SUPREME COURT OF THE UNITED STATES.

No. ~~192~~. 109.

THE BRIG SARAH STARR, HER TACKLE, APPAREL, AND FURNITURE, &c., COWLAN GRAVELEY, CLAIMANT, APPELLANTS,

vs.

THE UNITED STATES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

GOVERNMENT PRINTING OFFICE.

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1 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms, in the city of New York, on Thursday, the 27th day of March, in the year of our Lord one thousand eight hundred and sixty-two.

Present: The Honorable Samuel R. Betts, district judge.

THE UNITED STATES OF AMERICA AND ALL OTHERS interested as captors
vs.
THE BRIG SARAH STARR, HER TACKLE, APPAREL, AND FURniture, and property of every description on board. } In prize. 16, 391.

1861, Aug. 14, the libellants file their libel in prize in the words and figures following, to wit:

To the Honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York:

E. Delafield Smith, esquire, the attorney of the United States for the southern district of New York, informs this honorable court that the above-named vessel, with her tackle, apparel, and furniture, and goods, wares, and merchandise of every description found on board, was on or about the 3d day of August, in this present year, 1861, captured by the vessel-of-war of the United States the Wabash, Samuel Mercer commanding, on the Atlantic Ocean, near the port of Wilmington, North Carolina, while bound to Liverpool, England; and the said vessel, with her tackle, apparel, and fur-
2 niture, and the goods, wares, and merchandise of every description on board, have been brought into the port of New York, as lawful prize. In attestation of which, he exhibits the said brig's papers, documents, and letters found on board, and also the testimony of the witnesses duly taken in preparatorio by the prize commissioners appointed by this honorable court, which are or will be duly filed in the registry thereof.

He therefore prays that a monition may be issued in due form of law and pursuant to the regulations of this honorable court in matters of prize, requiring all persons at the time and place therein specified to show cause why the said vessel and property should not be condemned as lawful prize by the definitive sentence of this court, and the attestation aforesaid, or such proof as may be ordered, sustaining this information; that such sentence of condemnation be passed, and pursuant thereto that a decree of sale of the said property, and of the distribution of the proceeds thereof, pursuant to the laws of the United States and the rules and regulations of this honorable court may be duly had therein.

E. DELAFIELD SMITH, *U. S. Dist. Att'y.*

Filed the 14th day of Aug't, 1861.

3 United States court, southern district, State of New York.

THE UNITED STATES AND CAPTORS
vs.
THE SARAH STARR.

William H. L. Barnes, esq., counsellor-at-law, of the city of New York, is hereby authorized and empowered to appear as proctor for the captors in the above-entitled cause, and to take all necessary steps for the protection of their interests.

(Signed) SAM'L MERCER,
Captain U. S. Navy, and Com'd'g U. S. ship Wabash, for himself and other captors.

Endorsed: 16, 391. U. S. district court, in prize. The United States *vs.* the Sarah Starr, &c. Retainer for captors.

Filed Aug. 28th, 1861.

4 SOUTHERN DISTRICT OF NEW YORK, *ss:*

The President of the United States of America to the marshal of the southern district of New York, greeting:

Whereas a libel hath been filed in the district court of the United States for the southern district of New York, on the fourteenth day of August, in the year of our Lord one thousand eight hundred and sixty-one, by E. Delafield Smith, esquire, U. S. district attorney, on behalf of the United States of America and all others interested as captors, against the brig Sarah Starr, her tackle, &c., and cargo, for the reasons and causes in the said libel mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that all persons interested in the said brig, her tackle, &c., and cargo, may be cited in general and special to answer the premises, and all proceedings being had that the said brig, her tackle, &c., and cargo, may, for the causes in the said libel mentioned, be condemned as lawful prize and sold, and the proceeds distributed according to law:

You are therefore hereby commanded to attach the said brig, her tackle &c., and cargo, and to detain the same in your custody until the further order of the court respecting the same, and to give due notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel, that they be and appear before the said court, to be held in and for the southern district of New York, on the third day of September next, at eleven o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same, and to make their allegations on that behalf. And what you shall have done in the premises, do you then and there make return thereof, together with this writ.

Witness the Honorable Samuel R. Betts, judge of the said court, at the city of New York, in the southern district of New York, this fourteenth day of August, in the year of our Lord one thousand eight hundred and sixty-one, and of our independence the eighty-sixth.

[SEAL.] GEO. F. BETTS, *Clerk.*

E. DELAFIELD SMITH, *U. S. District Attorney.*

5 In obedience to the within monition, I attached the brig Sarah Starr, her tackle, apparel, and cargo therein described, on the 14 day of August, 1861, and have given due notice to all persons claiming the same, that this court will on the 3d day of Sept. inst., (if that day should be a day of jurisdiction; if not, on the next day of jurisdiction thereof,) proceed to the trial and condemnation thereof, should no claim be interposed for the same.

ROB'T MURRAY, *U. S. Marshal.*

Filed 3 Sept. 1861.

I hereby depute James Trunesdale to execute the within process.
Dated 14 Aug., 1861.

ROB'T MURRAY, *U. S. Marshal.*

6 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms, in the city of New York, on Tuesday, the 3d day of September, in the year of our Lord one thousand eight hundred and sixty-one.

Present: The Honorable Samuel R. Betts, district judge.

THE UNITED STATES AND ALL OTHERS INTERESTED AS captors
vs.
THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO. } In prize. 16, 391.

The marshal having returned on the monition, the brig Starr, her tackle, &c., and cargo attached, and that he had given due notice and made proclamation for all persons interested in said vessel and cargo, to appear and intervene for their interests therein.

Whereupon Mr. Charles Edwards appears for the claimant of the vessel and part of the cargo, and has one week to answer.

Mr. Cutting appears for the claimant of cargo, and has one week to answer.

Cause placed on prize calendar.

7 Filed the 3d day of September, 1861.

8 District court of the United States for the southern district of New York.

THE UNITED STATES, &C.,
vs.
THE SARAH STARR AND HER CARGO.

The petition of intervention of Samuel Mercer, commander, and of the officers and crew of the United States steam frigate Wabash, respectfully represents that they were the naval captors of the prize sent in for adjudication herein, by this honorable court, and as such have an equal interest therein with the said libellants; that all and singular the facts in the said libel contained and set forth are true and correct, and they join in the prayer thereof for a decree of condemnation of said captured property as lawful prize of war.

And they further pray that after the decree of condemnation of said property shall have been ordered, and the same shall have been sold pursuant thereto, that this honorable court will then proceed to decree a distribution of the proceeds of such sale in the proportions and in the manner prescribed by law upon the report of the prize commissioners of this court, designating the lawful distributees of such proceeds, and the evidence produced before them to establish the same.

F. H. UPTON,

9 *Proctor for the Intervenors and Naval Captors.*

Endorsed: 16, 391. District court of the United States. The United States, &c., *vs.* the Sarah Starr and her cargo. Intervention of naval captors. F. H. Upton, proctor for intervenors.

Filed September 2, 1861.

10 U. S. dist. court.

THE UNITED STATES
vs.
THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO.

We consent that the cargo of the above vessel be discharged into a naval storeyard, and to remain in the custody of the marshal.

Dated Sept. 5th, 1861.

E. DELAFIELD SMITH, *U. S. Dist. Att'y.*
F. B. CUTTING, *for Cargo.*

Let the order be entered pursuant to the above stipulation.
September 5, 1861.

SAM'L R. BETTS.

On filing consent signed by the U. S. district attorney and Mr. Cutting, proctor for claimant of cargo, ordered that the cargo of the above vessel be discharged into a naval storeyard, and to remain in the custody of the marshal.

11 Endorsed: 16, 391. U. S. district court. The brig Sarah Starr, her tackle, &c., and cargo. Consent and order to discharge cargo into a naval storeyard, and to remain in custody of marshal.

Filed 5th Sept., 1861.

12 U. S. district court, in prize.

THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO,
ads.
THE UNITED STATES.

Cornelius V. A. Schuyler, of the city of New York, being duly sworn, deposes and says that he is informed and verily believes that the cargo of the above-named brig has been, by an order of this court, discharged from on board the said vessel, and stored at Hedenburg's naval store, in the city of Brooklyn, known as the Phenix Yard, and that the same is now there; that he is informed and verily believes that portions of said cargo, consisting of spirits of turpentine, has been, and now is, leaking and wasting to the great detriment thereof; that the barrel cannot be coopered to preserve it, and that it is necessary to turn the same into other barrels for the purpose of preserving it from loss.

CORN'S V. A. SCHUYLER.

Sworn to before me this 1st day of October, 1861.
STEWART L. WOODFORD,
Notary Public in New York City.

On the foregoing affidavit, and on reading and filing the consent of the United States district attorney, it is ordered that Hedenberg, proprietor of the storehouse in the foregoing affidavit referred to,
13 be, and he is hereby, authorized to turn the said cargo of spirits of turpentine or such portions thereof as shall require it, from and out of the barrels in which it is now contained, into other barrels for its preservation, such other barrels to be marked in the same manner as the old ones, with a view of preserving their identity, and said transfer to be made under the direction of the U. S. marshal of this district.

SAM'L R. BETTS.

I hereby consent to the entry of the above order.
E. DELAFIELD SMITH, *U. S. Dist. Att'y.*

New York, Oct. 1st, 1861.

Endorsed: U. S. district court. The brig Sarah Starr, her tackle and cargo., *ads.* the United States. Affidavit, consent, and order allowing spirits of turpentine to be turned.

Filed Oct. 1st, 1861.

14 *Stipulation entered into pursuant to the rules and practice of this court, filed the twelfth day of September,* 1861.

District court of the United States for the southern district of New York.

Wheras a libel was filed in this court, on the 14th day of August, in the year of our Lord one thousand eight hundred and sixty-one, by E. Delafield Smith, U. S. district att'y, on behalf of the United States, against the brig Sarah Starr, her tackle, &c., and property of every description on board, for the reasons and causes in the said libel mentioned, and praying that said ship, her tackle, &c., and cargo may be condemned and forfeited to the use of the United States, and the parties hereto hereby consenting that in case of default or contumacy on the part of the claimants of the cargo or their surety, execution for the sum of two hundred and fifty dollars may issue against their goods, chattels, and lands; and whereas, also, a claim has been filed in said cause by George C. Munro and Wm. J. Munro, for the cargo:

Now, therefore, it is hereby stipulated and agreed for the benefit of whom it may concern that the stipulators undersigned shall be, and each of them is hereby, bound in the sum of two hundred and fifty dollars, conditioned that the claimants above named shall pay all costs and expenses which shall be awarded against them by the final decree of this court, or upon an appeal, by the appellate court.

G. C. MUNRO,
For G. C. & W. J. MUNRO.
CORN'LS V. A. SCHUYLER.

Taken and acknowledged this 12th of September, 1861, before me.
JOHN A. OSBORN, *U. S. Commissioner.*

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Cornelius V. A. Schuyler, party to the above stipulation, being duly sworn, doth depose and say that he resides in the city of New York, and that he is worth the sum of five hundred dollars over and above all his just debts and liabilities.

CORN'S V. A. SCHUYLER.

Sworn to this 12th day of September, 1861, before me.
JOHN A. OSBORN, *U. S. Commissioner.*

Recorded the twelfth day of September, 1861.

—— ——, *Clerk.*

15 *Stipulation entered into pursuant to the rules and practice of this court filed the 8th day of October,* 1861.

District court of the United States for the southern district of New York.

Whereas a libel was filed in this court, on the 14th day of August, in the year of our Lord one thousand eight hundred and sixty one, by E. Delafield Smith, U. S. dist. att'y, on behalf of the United States, against the brig Sarah Starr and her cargo, for the reasons and causes in the said libel mentioned, and praying that said brig, &c., may be condemned as lawful prize, and the parties hereto hereby consenting that in case of default or contu-

macy on the part of the claimants or his surety, execution for the sum of two hundred and fifty dollars may issue against their goods, chattels, and lands; and whereas, also, a claim has been filed in said cause by Cowlam Gravely, sole owner of the vessel:

Now, therefore, it is hereby stipulated and agreed, for the benefit of whom it may concern, that the stipulators undersigned shall be, and each of them is hereby, bound in the sum of two hundred and fifty dollars, conditioned that the claimants above named shall pay all costs and expenses which shall be awarded against him by the final decree of this court, or upon an appeal, by the appellate court.

COWLAM GRAVELY,
By CHARLES EDWARDS,
his Agent and Attorney.
CHARLES EDWARDS.

Taken and acknowledged this 8th day of October, 1861, before me.
J. A. OSBORN, *U. S. Commissioner.*

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Charles Edwards, party to the above stipulation, being duly sworn, doth depose and say that he resides in the southern district of New York; that he is worth the sum of five hundred dollars over and above all his just debts and liabilities.

CHARLES EDWARDS.

Sworn to this 8th day of October, 1861, before me.
JOHN A. OSBORN, *U. S. Commissioner.*

Recorded the eighth day of October, 1861.

—— ——, *Clerk.*

16 UNITED STATES OF AMERICA,
Southern District of New York:

THE BRIG SARAH STARR, HER TACKLE, APPAREL, AND furniture and property of every description on board,
ads.
THE UNITED STATES OF AMERICA AND ALL OTHERS INterested as captors.

The Honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York:

The joint claim and answer of Edward Mortimer Archibald, esquire, her Britannic majesty's consul for the port and State of New York, and of Henry Holgate, master of the said vessel, both intervening, the said Edward Mortimer Archibald intervening for the interests of Cowlam Gravely, a British subject, at this time out of the jurisdiction of this court, and for the mercantile house of Fraser, Trenholm & Co., of No. 10 Rumford Place, Liverpool, England, such house being composed of British subjects, and the said Henry Holgate, as master of the said brig Sarah Starr, intervening as master of her for the vessel and the whole of her cargo, as being under his charge and from the vessel being common carrier of the cargo.

First. He, the said consul, claims the whole of the said brig Sarah
17 Starr, her tackle, apparel, and furniture, as the sole property of the said Cowlam Gravely, British subject aforesaid, and also claims certain fifty barrels of spirits of turpentine as the property of the partners composing the said firm of Fraser, Trenholm & Co., British subjects, and also claiming for the said Cowlam Gravely such rights in so much of the balance of the cargo

as he may be entitled to after he shall have paid for and accounted with George C. & W. J. Munro therefor.

Second. That the capture alleged in the libel was an unlawful capture, and she, the said Sarah Starr, and her cargo have been wrongfully brought into the port of New York, and she is not a lawful prize. That when captured she was on a lawful voyage with an honest cargo on board, and sailing on a foreign voyage under the British flag, and with a crew bound under British articles, and with a master appointed expressly by a British consul and owned by a British subject, namely, the said Cowlan Gravely.

Wherefore these claimants pray that the said vessel and her cargo be restored, and that they may be hence dismissed with their reasonable costs and charges in this behalf sustained.

E. M. ARCHIBALD, *H. B. M.'s Consul.*
HENRY HOLGATE.

CHARLES EDWARDS, *Proctor and Advocate.*

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

Edward M. Archibald and Henry Holgate, the above intervenors,
18 being sworn, make this their test oath.

They hereby testify to the verity of the above claim to the best of their knowledge, remembrance, information, and belief.

And this deponent, the said Edward Mortimer Archibald, for himself saith that he has acquired his knowledge of the matters embraced by the said claim from his position as British consul and from parties in interest.

And this deponent, the said Henry Holgate, for himself saith that he has acquired his knowledge of the matters embraced by the said claim from his having been master of the above brig Sarah Starr on the voyage on which she was taken, as referred to in the libel herein.

E. M. ARCHIBALD, *H. B. M.'s Consul.*
HENRY HOLGATE.

Sworn to at the city of New York, this third day of September, 1861, before me, as witness thus my hand and seal of office.

[SEAL.]

A. O. SALTER,
Notary Public, New York City.

19 Endorsed: 16, 391. In prize. U. S. district court. The brig Sarah Starr, her cargo, &c., *ads.* the United States of America and captors. Claim and answer of Edward M. Archibald, esq., her B. M.'s consul, and Henry Holgate, master of the above brig. Charles Edwards, proctor.

Filed 6th April, 1861.

20 United States district court, southern district of New York, in prize.

THE BRIG SARAH STARR, HER TACKLE, APPAREL, AND furniture, and property of every description on board,
ads.
THE UNITED STATES OF AMERICA AND ALL OTHERS INterested as captors.

To the Honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York:

The claim and answer of George C. Monro and William J. Munro, owners and claimants of a portion of the cargo of the brig Sarah Starr.

And now the said George C. Munro and William J. Munro, intervening for their interest in the cargo on board the said brig, allege and articulately propound as follows:

That they are the owners of the cargo on board of the said brig, with the exception of fifty barrels of spirits of turpentine, which was shipped, as they are informed by the bills of lading, by one David Evans.

21 Second. That the capture in the libel of information alleged was an unlawful capture, and that the said brig and her cargo have been wrongfully and illegally brought into the port of New York.

These respondents deny that the said cargo, or any part thereof, so claimed by them, has been or is forfeited to the United States.

Wherefore, these claimants pray that the said cargo may be restored to them, and that they may be hence dismissed with their reasonable costs and charges in this behalf sustained.

GEORGE C. MUNRO.

B. CUTTING, *Proctor.*

Sworn to this 12th day of September, 1861.

[SEAL.] EDWIN T. COREY, *Notary Public.*

22 District court U. S., southern district of N. Y.

George C. Munro, of Newport, in the State of Rhode Island, being duly sworn, saith that he was born in Newport aforesaid in the year 1812; that his parents were native-born citizens and residents of the last-mentioned State; that this deponent has always resided in the said last-mentioned State; that he married there, has six children, and that his family have always resided in Newport aforesaid, in which city this deponent owns the residence which his said family occupy, and which residence he has owned and used as a family residence since the year 1842. That in the year 1830 he commenced business as a merchant, and in 1832 his brother, William J. Munro, became associated with him as a partner, and they carried on commercial business under the firm name of G. C. & W. J. Munro. That his said brother was born in Rhode Island aforesaid, and that his wife and children reside, and ever since his marriage, in or about the year 1839, he and his family have resided in Newport aforesaid; that he owns the family residence occupied by him and his family in Newport aforesaid. That in carrying on their business as merchants, both he and his brother have been in the habit,

23 during the winter of each year, of going, one of them, to Georgetown, in South Carolina, and the other of them to Wilmington, in North Carolina, and elsewhere in the south, in order to make sales of goods, of reinvesting the proceeds, and of returning at the end of each business season to Newport aforesaid. That during such visits to the south the families, both of deponent and his brother, remained and resided at their home in Newport aforesaid; that such visits by deponent and his brother were with the intention of returning to their homes aforesaid.

This deponent further saith that he and his said brother, trading under the firm of G. C. & W. J. Munro, are the true and actual owners of the cargo of the brig Sarah Starr, in the libel of information mentioned and referred to, and if acquitted it will belong solely and exclusively to them; that the said cargo was bought by him from time to time during the months of May, June and July last, with the proceeds of goods sold there by the said firm, and of collections, and that his object and purpose in investing the said funds was to enable him to transfer them advantageously from North Carolina to New York, or to a port in the northern States. That accordingly, in the month of May last, he chartered the brig Maricaibo to carry a cargo from Wilmington to Boston or to New York, and he loaded her accordingly, and that part of her

24 lading consisted of a portion of the cargo mentioned in the libel in this action. That after the said brig Maricaibo was loaded the authorities of Wilmington refused to grant a clearance or permission to sail, on the

ground that the shipment of naval stores to a northern State of the United States had been recently prohibited by the Confederate congress. That deponent then agreed with the master of said brig Maricaibo to carry the said cargo to London, in England, and thus this deponent applied to the authorities aforesaid for a clearance to London, but they refused to grant any or to permit the said vessel to sail, on the ground that they feared that the said brig, when once beyond their jurisdiction, would proceed to a port in the United States, and there deliver her cargo. That this deponent offered to give a bond, conditioned that the said cargo should be delivered in London aforesaid, but the said authorities refused to accept it, and in consequence all the cargo of the Maricaibo was discharged. That this deponent, being very desirous of transferring his property from North Carolina aforesaid, afterwards loaded a cargo of spirits of turpentine and of crude turpentine and fine rosin on board of the brig Sarah Starr, which was then under the British flag and bound to Liverpool, in England; that said brig and
25 cargo were cleared in Wilmington on the 22d day of July last past. On the 26th July the said brig left Wilmington on her voyage for Liverpool with the said cargo on board, and in the afternoon of that day anchored about thirty miles from Wilmington, and within about one and a half miles of the bar. That the rigging was found to be too slack and to require to be set up, and the crew were engaged in that work on the 27th July; that a heavy sea in the meanwhile, caused by strong southwest winds, made the bar impassable by a vessel of her draft of water until the morning of the third day of August, on which day they crossed the bar about six o'clock in the morning and stood on their conrse, going about three knots per hour, with the wind about south or south-southeast. That nothing material occurred until about two o'clock in the afternoon, when a ship hove in sight; that the brig continued on her course, which was in the direction of the ship, until about four o'clock in the afternoon, when the said ship fired a gun and the brig immediately hove too. A boat came aboard from the ship, which proved to be the frigate Wabash. That the boarding officer asked the captain of the brig for his papers, which were delivered to him; that the boat
26 returned to the Wabash with the master of the brig. At quarter past 7 o'clock the boat returned and took possession of the brig as a prize and ordered the vessel to New York. This was ordered to the Wabash, and he went to her in the boat aforesaid, and was landed at Fortress Monroe, from whence he came to this city.

He further saith that the port of Wilmington was not at the time the said brig Sarah Starr was loaded as aforesaid, or at the time she sailed on the said voyage, blockaded or under blockade. The Wabash had been stationed off Charleston, as her commander, Captain Mercer, informed deponent, and was, when she saw the said brig, on her way from her aforesaid station to Hampton Roads, and must have been about thirty miles from shore when she made the said brig. That deponent saw vessels going in and going out over the bar while the brig was waiting near the bar as aforesaid, without any hindrance or impediment; that no notice was given in Wilmington of the existence of any blockade to the knowledge or belief of this deponent, except that on or about the 23d day of July this deponent heard a rumor to the effect that the commander of the steamer Daylight had come on shore at Fort Caswell, which is at the entrance of Cape Fear River, under a flag of
27 truce, and had notified the colonel of the Confederate force in command there that the port of Wilmington was blockaded, and that the period of fifteen days was allowed for vessels then in port to load and depart, which was the only notice, report, or information that this deponent ever received of or concerning any blockade of the said port.

This deponent further saith that Cowlam Gravely had the privilege of purchasing one fourth of the said cargo from this deponent's firm of G. C. & W. J. Munro, as deponent was advised by information from his correspondents in Charleston, but this deponent saith that the said Gravely has not purchased the said interest, nor paid therefor, nor agreed to pay therefor, or for any part thereof, to the best of this deponent's knowledge, information, and belief.

GEO. C. MUNRO.

Sworn to before me this 12th day of September, 1861.
[SEAL.] EDWIN F. COREY, *Notary Public.*

28 DISTRICT COURT, U. S.,
Southern District of New York, ss:

William J. Munro, of Newport, in the State of Rhode Island, being duly sworn, doth depose and say that he is one of the firm of G. C. & W. J. Munro, the claimants and owners of the cargo of the brig Sarah Starr, in the libel of information referred to.

He further saith that his parents were native-born citizens and residents of Rhode Island aforesaid; that this deponent was born in the said State and has always resided and does still reside there; that he married in the State of Massachusetts, and that his wife and family have always since said marriage resided and do now reside in the said State of Rhode Island.

That in or about the year 1832 he became a partner in mercantile business with his brother George C. Munro, and that they transacted business together under the firm name of G. C. & W. J. Munro; that their trade and business was carried on with the West India Islands, and with the southern States, and that he and his said brother gave their personal attention thereto, by going in the business season of each year, one of them to Georgetown, South Carolina, and the other of them to Wilmington, in North Carolina, or elsewhere in the South, and of attending personally to sales and pur-
29 chases of goods and merchandise, and at the end of such business seasons it was their practice to return to their domicils and families in Newport aforesaid.

That while he and his brother were temporarily absent from their homes their familes continued to reside in Newport aforesaid.

That he and his brother, carrying on business under the firm of G. C. & W. J. Munro, as aforesaid, were the purchasers, and were and are the sole and only owners of all the cargo on board the brig Sarah Starr at the time she was boarded and taken by the frigate Wabash, and at the time of the filing of the libel in this action, except fifty barrels of spirits of turpentine, shipped, as stated in the bill of lading, by one Evans.

That the brother of this deponent being in Wilmington used his best efforts to ship the said cargo from thence; that part of it was laden on board the schooner Maricaibo, to be carried to a port in the United States, but the Confederate congress having prohibited the export of naval stores to the United States the said cargo was discharged from the said schooner, and was afterwards, with the rest of the cargo found on board the brig Sarah Starr, except the fifty barrels aforesaid, shipped on board of the said last-mentioned vessel, to be transported to and delivered in Liverpool, in England.
30 That the said brig Sarah Starr sailed from Wilmington, the said George C. Munro being a passenger, and was taken by the steamer Wabash and sent to New York, as stated in the affidavit of the said George C. Munro.

That according to the best of this deponent's knowledge, information, and belief, the said port of Wilmington was not blockaded at the time the said

brig Sarah Starr sailed therefrom, and that there was no intention or design on the part of this deponent, nor, as he verily believes, on the part of the said George C. Munro, nor of the master or crew of the said brig, to commit any breach or violation of any blockade, or to do any unlawful or forbidden act whatever.

He further says that all the cargo on board the said brig Sarah Starr, except the fifty barrels of spirits aforesaid, belonged wholly to the said George C. Munro and to this deponent, and that no other person or persons was or were or are interested therein, as owners or otherwise, to the best of the knowledge, information, and belief of this deponent.

That he never knew of or agreed to any sale or contract to sell any part thereof, or any interest therein, to Cowlam Gravely or to any other
31 person or persons, and that no such sale or contract of sale has been made.

That if acquitted the same will belong solely and exclusively to them.

W. J. MUNRO.

Sworn to before me this 16th (sixteenth) day of September, 1861.

WM. GILPIN, *Public Notary.*

Endorsed: 16, 391. United States district court. The brig Sarah Starr, her tackle, &c., and cargo, *ads.* the United States *et als.* Claim and answer of George C. Munro and William J. Munro. B. Cutting, proctor.
Filed Sept. 18th, 1861.

32 United States district court for the southern district of New York, in prize.

THE BRIG SARAH STARR, HER TACKLE, APPAREL, AND furniture of every description on board, *ads.*
THE UNITED STATES OF AMERICA AND ALL OTHERS interested, captors.

To the Honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York:

The claim of Cowlam Gravely, a subject of her Britannic majesty, on his own behalf, the true, lawful, and sole owner of the said brig Sarah Starr, her tackle, apparel, and furniture; and also as between him and George C. Munro and William J. Munro, having rights in one fourth of her cargo.

That he is such British subject, and owner of the said brig Sarah Starr, her tackle, apparel, and furniture, and interested in such cargo, as will truly and more fully appear by the papers and depositions contained in Schedule A, hereto annexed, and to be taken as part of this his claim.

33 He denies that the said bark Sarah Starr, her tackle, apparel, and furniture, and cargo, or either or any of the same, have become lawful prize, and he says that she was wrongfully seized and captured on or about the third day of August, one thousand eight hundred and sixty-one, by the United States vessel-of-war Wabash, Samuel Mercer commanding, under the circumstances detailed in the affidavit of her master, Henry Holgate, contained in Schedule B, hereto annexed, and to be taken as part of this his claim, and also that she and such her cargo have been wrongfully brought into the port of New York.

And he claims as owner aforesaid and as common carrier of all her cargo, that the said vessel, her tackle, apparel, and furniture, and also all of her cargo, be released with such amount for losses, charges, damages, demurrage

and expenses, fees and costs as have arisen, or shall or may arise by reason of the seizure aforesaid.

COWLAN GRAVELY,
By CHARLES EDWARDS, *his Agent.*

Sworn to this seventh day of October, 1861, before me, as witness this my hand and seal of office.

[SEAL.] A. O. SALTER, *Notary Public, New York City.*

34 UNITED STATES OF AMERICA,
City and County of New York, ss:

Charles Edwards, of New York, counsellor-at-law, being sworn, maketh oath and saith that he is agent of the within claimant, Cowlan Gravely, having been requested to act as such, and having received documents and papers which having direct relation to his claim as sole owner of the Sarah Starr, part of them forming Schedule A, hereto annexed. Also, he says that the said Cowlan Gravely has been personally known to him many years. That the said Cowlan Gravely is a British subject, and he is not at this time within a convenient distance to depose the claim herein.

This deponent hereby testifies to the verity of the annexed claim.

CHARLES EDWARDS.

Sworn at the city of New York, this seventh day of October, 1861, before me, as witness this my hand and seal of office.

A. O. SALTER, *Notary Public, New York City.*

35 HER BRITANNIC MAJESTY'S CONSULATE,
North and South Carolina.

Theodore D. Wagner, of Charleston, in South Carolina, maketh oath and saith that he is a member of the concern of John Fraser & Co., of Charleston aforesaid, merchants; that they as agents of George C. Munro, late of Wilmington, in the State of North Carolina, lately negociated with Cowlan Gravely, of Charleston, a British subject, for the sale to him of the brig Sarah Starr, lately sailing under a temporary register duly issued at the port of Newport, in Rhode Island, and dated the 21st of December, 1859; that the consideration money stipulated for on the said sale was ten thousand dollars; that a bill of sale of the said brig, executed by the said George C. Munro, and dated the 1st day of July last, and on the same day authenticated by the notarial certificate of Thomas Evans, a notary public of Wilmington aforesaid, was transmitted to the said concern of John Fraser & Co., together with a bill of sale to him of prior date transferring to him the shares of and in the said brig of Charles B. Eddy, of Fall River, and William J. Munro, of Newport, Rhode Island, former part owners. And thereupon, on the fourth day of July last the said negociation was closed, and the said register and the said bills of sale were delivered to the said Cowlan Gravely, who
36 engaged to pay the said purchase-money in manner following: In cash, presently, three thousand dollars, and the remainder out of the freight to be earned by the said brig upon her arrival at Liverpool, to which port she was to be forthwith despatched with a cargo. That the said Cowlan Gravely then delivered to the said John Fraser & Co. his promissory note at short date for three thousand dollars, which he has since paid; and upon the completion of the lading of the said brig, that is to say, on 27th day of July last, he drew his bill of exchange upon Messrs. Fraser, Trenholm & Co., of Liverpool, to whom the said brig and her cargo were consigned, in favor of the said concern of John Fraser & Co. for the sum of fourteen hundred and thirty-one pounds sixteen shillings and four pence, seventy-eight days after date, to be charged to account of the sales per Sarah Starr.

And deponent further saith that the said payment of three thousand dollars, and the said bill of exchange for fourteen hundred and thirty-one pounds sixteen shillings and four pence, have been received in full payment of the purchase-money stipulated for on the sale to the said Cowlan Gravely of said brig; and that no lien upon the said vessel as a security for the same has been presented, but that on the other hand the personal, responsibility of the said Cowlan Gravely to make good his said bill of exchange, and
37 the policy of insurance effected on the freight money to the amount of eight thousand dollars, as a security for the said bill of exchange, were regarded as amply sufficient, and the said brig has been therefore transferred to him as his own absolute property, without being in any way mortgaged or pledged to the said concern of John Fraser & Co., or to the said George C. Munro, to make good the liability of the said Cowlan Gravely upon his said bill of exchange or otherwise however.

THEODORE D. WAGNER.

Subscribed and sworn to at the consulate, at Charleston, in So. Ca., this 11th day of September, A. D. 1861, before me.

[L. S.] ROBERT BUNCH, *H. B. M. Consul.*

38 HER BRITANNIC MAJESTY'S CONSULATE,
North and South Carolina.

Henry Pinckney Walker, of Charleston, in South Carolina, maketh oath and saith that the several documents hereto attached were copied by him from the original temporary register and the original bills of sale of which they respectively purport to be copies, and that the same are true and correct copies of the said originals, with all the endorsements thereon and of the memoranda attached thereto.

H. PINCKNEY WALKER, *Attorney-at-Law.*

Subscribed and sworn to at the consulate at Charleston, in So. Ca., the 11th Sept., A. D. 1861, before me.

[L. S.] ROBERT BUNCH, *H. B. M. Consul.*

39 (Copy.)

Register of vessels, (temporary,) number fifteen.

UNITED STATES:

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering and recording of ships or vessels," Charles B. Eddy, of Fall River, State of Massachusetts, ⅓, having taken or subscribed the oath required by the said act, and having sworn that he, together with William J. Munro, of Charleston, State of South Carolina, ⅓, and George C. Munro, of the city of Newport, State of Rhode Island, ⅓, are the only owners of this ship or vessel called the Sarah Starr, of Charleston, whereof Charles B. Eddy is at present master, and is a citizen of the United States, as he hath sworn, and that the said ship or vessel was built
40 at Stonington, State of Connecticut, in the year eighteen hundred and fifty-four, her permanent register No. 16, issued at the port of Charleston, S. C., June 17th, 1859, now surrendered on change of property in part.

Seal corresponding with this [L. S.]
Signature, F. Bigger, register.
Seal of custom-house, Newport, Rhode I.
Signed, Gilbert Chase, collector.
Seal of naval office of the district of Newport, R. I.
Signature, Wm. Rider, naval officer.

And said permanent register having certified that said ship or vessel has one deck and two masts, and that her length is one hundred and fourteen

feet, her breadth twenty-eight feet one inch, her depth nine feet and six inches, and that she measures two hundred seventy-two and 75-95 tons; that she is brig, has a square stern, no galleries, and a billet head.

And the said Charles B. Eddy having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said brig has been duly registered at the port of Newport.

Given under our hands and seals at the port of Newport, R. I., this 21st day of December, in the year one thousand eight hundred and fifty-nine

Copied by me from the original register and examined this 21st Aug't, 1861.

H. P. WALKER.

(Copy.)

DISTRICT OF WILMINGTON, PORT OF WILMINGTON, *June* 9, 1860.

C. A. Whaley, having taken the oath required by law, is at present master in lieu of C. B. Eddy, late master.

(Signed) JAMES T. MILLER, *Collector.*

41 (Copy.)

DISTRICT AND PORT OF PHILADELPHIA, *Sept.* 17, 1860.

William L. Slocum, having sworn as the law directs, is master of the within-named vessel in lieu of C. A. Whaley, late master.

(Signed) WM. HAREBERON, *D. C.*

CONSULATE GEN'L.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA, HAVANA.

James Logan, having taken the oath required by law, is at present master of the brig Sarah Starr, of Charleston, in lieu of William L. Slocum, late master, who died on the passage from Wilmington to this port.

Given under my hand and official seal, at Havana, this 24th day of November, A. D. 1860.

(Signed) THOMAS SAVAGE,

[SEAL.] *U. S. D'y Consul Gen'l.*

(Copy.)

COLLECTOR'S OFFICE, WILMINGTON, N. C., *January 8th*, 1861.

Henry C. Eddy, having taken the oath prescribed by law, is at present master in lieu of James Logan, late master.

42 (Signed) JAMES T. MILLER, *Collector.*

Copy. No. 15. Temporary register brig Sarah Starr, of Charleston, S. C., December 21st, 1859, 272 79-95 tons.

Orig'l left at Adams Express Co. office to be forwarded to Br. consul, at New York.

23d Aug't, 1861.

H. P. W.

(Copy, duplicate.)

To all to whom these presents shall come, greeting:

Know ye the we, Charles B. Eddy, of Fall River, State of Massachusetts, and William J. Munro, of the city of Newport, State of Rhode Island, each owners of one third part of the brig or vessel called the Sarah Starr, of

Charleston, of the burthen of two hundred and seventy-two 79-100 tons or thereabouts, for and in consideration of the sum of one hundred dollars, lawful money of the United States of America, to us in hand paid before the sealing and delivery of these presents, by George C. Munro, of the said city of Newport, the receipt whereof we do hereby acknowledge and are therewith fully satisfied, contented, and paid, have bargained and
43 sold, and by these presents do bargain and sell, unto the said George C. Munro, his heirs, executors, administrators, and assigns, two third parts of the said brig or vessel, together with two third parts the masts, bowsprit, sails, boats, anchors, cables, and all other necessaries thereunto belonging, the certificate of the registry of which said brig or vessel is as follows, to wit:

(Copy.)

Temporary No. 15.

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering or recording of ships or vessels," Charles B. Eddy, of Fall River, State of Massachusetts, $\frac{1}{3}$, having taken or subscribed the oath required by the said act, and having sworn that he, together with William J. Munro, of Charleston, State of South Carolina, $\frac{1}{3}$, and George C. Munro, of the city of Newport, State of Rhode Island, $\frac{1}{3}$, are the sole owners of the ship or vessel called the Sarah Starr, of Charleston, whereof Charles B. Eddy is at present master, and is a citizen of the United States, as he hath sworn, and that the said ship or vessel was built at Stonington, State of Connecticut, in the year eighteen hundred and
44 fifty-four, per permanent register No. 16, issued at the port of Charleston, June 17th, 1859, now surrendered on change of property; and said permanent register having certified that the said ship or vessel has one deck and two masts, and that her length is one hundred and fourteen feet inches, her breadth twenty-eight feet one inch, her depth is nine feet six inches, and that she measures two hundred and seventy-two tons 79-95; that she is a brig, has a square stern, no galleries, and a billet head; and the said Charles B. Eddy having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act the said brig has been duly registered at the port of Newport this twenty-first day of November, in the year one thousand eight hundred and fifty-nine.

Seal of the Treasurer of the United States of America.
Signed, F. Bigger, register.
Seal of the custom-house.
Signed, Gilbert Chase, collector.
Seal of the naval office.
Signed, Wm. Rider, naval officer.

To have and to hold the said two third parts of the said brig, with her appurtenances hereinbefore mentioned, unto him, the said George C. Munro, his heirs, executors, administrators, and assigns, to the sole and only proper use, benefit, and behoof of him, the said George C. Munro, his heirs, executors, administrators, and assigns forever.

And we, the said Charles B. Eddy and William J. Munro, have, and by these presents do, promise, covenant, and agree for ourselves, our heirs, executors, and administrators, to and with the said George C. Munro,
45 his heirs, executors, administrators, and assigns, to warrant and defend the said two third parts of said brig and all the other before mentioned appurtenances against all and every person and persons whomsoever, as fully and to the extent only as is warranted to W. J. Munro by a bill of sale, dated March 31st, 1859, of the same vessel, from E. Drisco, master and agent for owners and underwriters.

In testimony whereof, we, the said Charles B. Eddy and William J. Munro, have hereunto set our hands and seals the tenth day of May, in the year of our Lord one thousand eight hundred and sixty-one.

(Signed) C. B. EDDY. [L. S.]
(Signed) W. J. MUNRO. [L. S.]

Sealed and delivered in the presence of—
(Signed) G. F. KINGSLEY.
(Signed) H. W. CHATFIELD.

46 Copy. Bill of sale of brig Sarah Starr. Registered. Copied from original, 22 Aug't, 1861, by H. P. Walker.
Original left at Adams Express Co.'s office, to be forwarded to British consulate at N. Y.
23 Aug., 1861.

H. P. W.

CITY OF WILMINGTON, *State of North Carolina:*
To all to whom these presents shall come, greeting:

Know ye that I, George C. Munro, of Wilmington, State of North Carolina, owner of the brig or vessel called the Sarah Starr, of Charleston, State of South Carolina, of the burthen of two hundred seventy-two and 74-95 tons or thereabouts, for and in consideration of the sum of ten thousand dollars, lawful money of the United States of America, to me in hand paid by Cowlam Gravely, the receipt whereof I do hereby acknowledge and am therewith fully satisfied, contented, and paid, have granted, bargained, and sold, and by these presents do grant, bargain, and sell, unto the said Cowlam Gravely, a subject of Great Britain, executors, administrators, and assigns, the whole of the said brig or vessel, together with the whole masts, yards, sails, rigging, anchors, cables, boats, tackle, apparel, and furniture thereunto appertaining and belonging, as she now lies in the port of Wilming-
47 ton, North Carolina, the certificate of registry of which said brig or vessel is as follows:

(Copy, No. 15.)

Temporary register, number 15.

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering or recording of ships or vessels,"

Seal of the Treasurer of the United States of America.
Signed F. Bigger, register.
Seal of the custom-house.
Signed Gilbert Chase, collector.
Seal of the naval officer.
Signed, Will'm Rider.

Charles B. Eddy, of Fall River, State of Massachusetts, having taken or subscribed the oath required by the said act, and having sworn that he, together with William J. Munro, of Charleston, State of South Carolina, one third, and George C. Munro, of the city of Newport, State of Rhode Island, one third, are the sole owners of the ship or vessel called the Sarah Starr, of Charleston, whereof Charles B. Eddy is at present master and is a citizen of the United States, and that the said ship or vessel was built at Stonington, State of Connecticut, in the year eighteen hundred and fifty-four, per perma-
48 nent register, No. 16, issued at the port of Charleston, June 17, 1859, now surrendered on charge of property in port. And the said permanent register having certified that the said ship or vessel has one deck and two masts, and that her length is one hundred and fourteen feet, her breadth twenty-eight feet one inch, her depth nine feet six inches, and that she measures two hundred and seventy-two and 79-95 tons; that she is a brig; has a square stern, no galleries, and a billet-head.

And the said Charles B. Eddy, having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said brig has been duly registered at the port of Newport, this twenty-first day of December, in the year one thousand eight hundred and fifty-nine. To have and to hold the said brig Sarah Starr, and appurtenances thereunto belonging, unto the said Corlam Gravely, his heirs, executors, administrators, and assigns, to the only proper use, benefit, and behoof forever.

And the said George C. Munro have and by these presents does promise, covenant, and agree for himself, his heirs, executors, and administrators, do hereby covenant and agree to and with the said said Cowlam Gravely, his heirs, executors, administrators, and assigns, to warrant and defend the said brig Sarah Starr, and all other before-mentioned appurtenances
49 against the lawful claims or demands of all and every person and persons whomsoever.

In witness whereof, I have hereunto set my hand and seal this first day of July.

GEORGE C. MUNRO. [SEAL.]

Sealed and delivered in the presence of—
M. R. DEXTOR.

STATE OF NORTH CAROLINA,
New Hanover County, Port of Wilmington:

Be it known that on this first day of July, in the year eighteen hundred and sixty-one, personally appeared before me, the subscriber, a notary public for the State and county aforesaid, George C. Munro, with whom I am personally acquainted and know to be the identical person named in the foregoing bill of sale; that he did then and there sign the bill of sale and acknowledge the same to be his own free act and deed.

Witness my hand and seal of office.

(Signed) THOMAS EVANS, *Notary Public.* [SEAL.]

Copy. Bill of sale of brig Sarah Starr. Registered.
Copied from the original this 22 Aug't, 1861, by me.

H. P. WALKER.

Original left at the Adams Express Co.'s office to be forwarded to
50 the Br. consulate at N. Y., 23 Aug., 1861.

H. P. W.

Schedule B, to be taken as part of the claim of Cowlam Gravely hereto annexed.

U. S. DISTRICT COURT FOR THE
Southern District of New York, ss:

Henry Holgate, master of the brig Sarah Starr, an alleged prize, being sworn, maketh oath and saith that on the eighteenth day of July, one thousand eight hundred and sixty-one, at Charleston, South Carolina, United States of America, he signed articles to go as first mate in the said brig Sarah Starr, on a voyage from Wilmington, North Carolina, in the said United States (the said vessel then lying at Wilmington,) to Liverpool, England; that this deponent thereupon, and on the twentieth day of the said month of July, joined such vessel as her chief mate and took upon himself the duties thereof at Wilmington aforesaid; that her cargo consisted mainly of spirits of turpentine, raw turpentine, superfine rosin, and limited quantity

of beeswax; that she cleared at Wilmington, her then master being Captain Gilbert, and there being two mates, six seamen, and one boy; that before she left Wilmington the said vessel was properly victualled and also newly apparelled and furnished by her owner, Cowlam Gravely, a British
51 subject; that being so found and furnished, and with her cargo on board, properly stowed, and she being sound, staunch, and strong, and with her full compliment of hands, and with her said Captain Gilbert on board and also one passenger, Mr. G. C. Munro, and on the twenty-sixth day of the said July, 1861, the said Sarah Starr set sail on her voyage to Liverpool aforesaid, and on the same day arrived at Smithville, which is about thirty-two miles from Wilmington, and within some half a mile of the sea, where she anchored in consequence of her new rigging having become slack and it being necessary to set it up; that on the night of the day when they so anchored, there came on a gale of wind from the southwest which continued for a week; that the captain—Captain Gilbert—here became quite unwell and not able to stay by the vessel, and between the twenty-eighth and twenty-ninth of same July he quited her and went to Wilmington, to put himself under medical advice, and did not again join her, and on the thirtieth day of the said July this deponent received from Donald McRae, esq., her Britannic majesty's vice-consul for the port of Wilmington aforesaid, a certificate or authority under his hand and seal of office, whereby he certified "that John F. Gilbert, master of British brig Sarah Starr, being too ill to proceed on the voyage to Liverpool in said vessel, has been
52 discharged, and Henry Holgate, this deponent's first mate, has been placed in charge as master in his stead; that thereupon, and on the said thirtieth day of July, this deponent took charge of the said vessel as master, and lost no time in going to Wilmington with a view to secure a first mate, but could not obtain one, so deponent hired a proper seaman, as second mate, and returning to the vessel the next day made the second mate of the vessel the first mate; that as the gale of wind was not yet spent and continued up to the third day of August, 1861, the vessel did not get to sea until that day, but on that day she set sail on her voyage for Liverpool; that she was then sound, taut, and strong, and well and sufficiently manned, apparelled, and victualled; that from the time she reached Smithville aforesaid, from the time she so got to sea, and went to sea, there was not a vessel-of-war of the United States of America nor any other vessel-of-war in sight; that on the same day of sailing, and when the said brig had gone about thirty-two miles seaward from Wilmington Bar, on her said voyage to Liverpool, she saw a large vessel coming towards her; the wind was east to east-southeast; the brig (Sarah Starr) had everything set and was going about four and a half or five knots; that said large vessel was coming
53 from the southward and westward and the Sarah Starr was steering east by south half south. When the said large vessel, and which proved to be the United States vessel-of-war Wabash, was first discovered by this deponent, she hoisted British colors and kept them up for about half an hour, and deponent also hoisted British colors; then the said United States vessel-of-war hauled down the British colors and hoisted the United States flag and fired a shot from her port bow; she did not fire across the Sarah Starr's bow, but fired from her port leeward of the said brig. This deponent thereupon caused the said brig to be hove too, and waited the coming of the boat from the Wabash, which arrived when with an armed crew and two officers. The latter demanded of deponent the papers of the Sarah Starr, and he took them into the cabin and handed them to such officers, who asked him to go on board the Wabash, which he did, they carrying all the ship's papers with them; that on getting on board the Wabash he was questioned by her commander, Captain Mercer, in regard to the said Sarah Starr,

and truthfully answered all questions put to him, and soon thereafter Captain Mercer said to deponent: "Captain, I have made up my mind to make your vessel a prize." Deponent asked him by what right or authority he did it; when he replied, "Well, I'll take her on suspicion, anyhow," and thereupon required this deponent to send all his men on board, keeping, at the time, all the ship's papers, and never having given them up to deponent, and they have been kept from him ever since. That from this time deponent's command, as master of said brig was virtually and in fact taken from him; that at first the said Captain Mercer consented to let deponent and *and* the said passenger, Mr. Munro, and the steward, and boy remain on board the brig, but very soon thereafter he countermanded the same and only allowed this deponent, and the steward, and boy to remain on board, and the passenger, Mr. Munro, and the two mates, and five seamen were taken and remained on board the Wabash, and a lieutenant and gunner, and about six armed men from the latter took charge of the Sarah Starr, and commenced at once to sail her for the port of New York, where she arrived on the tenth day of August, 1861, and she was anchored on the same day off the Battery; that deponent went on shore to the British consulate and with a view to note protest and leave it open to be extended. That while so ashore the prize officer, who had come on with the vessel, namely Lieutenant McKay broke open this deponent's cabin door and took away the log-book of the said Sarah Starr, and the same has never been returned; that while anchored off the said battery, in an exposed situation, and while under the charge and control of said officer and men, (as prize crew,) and on the thirteenth day of August, 1861, the said brig Sarah Starr experienced a severe storm and dragged both her anchors down to Governor's Island, (a distance of nearly half a mile,) and her boat was lost in the storm.

54

That up to within two or three days of the time when the said brig was brought into the port of New York in charge of the said officer and men from the Wabash, (as prize crew,) as aforesaid, she, the said Sarah Starr, had only an ordinary leak, occurring from the time of her loading similar to what any sound vessel would have and amounting to not more than six or eight inches in twenty-four hours, but since the time last aforesaid the leak has increased most seriously daily, and she is making and has been making for several days past from two to three feet in every twenty-four hours, and it requires men to be pumping all day to keep her free and from the probable chance of sinking; that deponent paid and has continued to pay the expense of such pumping and the hiring men to do it, neither the United States marshal, nor any one under him, nor any of the said prize crew making any effort to keep the said leak under, and the said cargo would be injured and in all probability be destroyed or rendered utterly useless if such pumping had not been constantly continued.

55

HENRY HOLGATE.

Sworn at the city of New York this fifth day of October, 1861, before me, as witness my hand and seal of office.

[SEAL.] A. O. SALTER, *Notary Public.*

Endorsed: 16, 391. United States district court. The brig Sarah Starr and her cargo, &c., *ads.* the United States of America. Claim and answer of Cowlam Gravely, sole owner of vessel, &c. Charles Edwards, proctor.

56

Filed Oct. 8, 1861.

of beeswax; that she cleared at Wilmington, her then master being Captain Gilbert, and there being two mates, six seamen, and one boy; that before she left Wilmington the said vessel was properly victualled and also newly apparelled and furnished by her owner, Cowlam Gravely, a British
51 subject; that being so found and furnished, and with her cargo on board, properly stowed, and she being sound, staunch, and strong, and with her full compliment of hands, and with her said Captain Gilbert on board and also one passenger, Mr. G. C. Munro, and on the twenty-sixth day of the said July, 1861, the said Sarah Starr set sail on her voyage to Liverpool aforesaid, and on the same day arrived at Smithville, which is about thirty-two miles from Wilmington, and within some half a mile of the sea, where she anchored in consequence of her new rigging having become slack and it being necessary to set it up; that on the night of the day when they so anchored, there came on a gale of wind from the southwest which continued for a week; that the captain—Captain Gilbert—here became quite unwell and not able to stay by the vessel, and between the twenty-eighth and twenty-ninth of same July he quited her and went to Wilmington, to put himself under medical advice, and did not again join her, and on the thirtieth day of the said July this deponent received from Donald McRae, esq., her Britannic majesty's vice-consul for the port of Wilmington aforesaid, a certificate or authority under his hand and seal of office, whereby he certified "that John F. Gilbert, master of British brig Sarah Starr, being too ill to proceed on the voyage to Liverpool in said vessel, has been
52 discharged, and Henry Holgate, this deponent's first mate, has been placed in charge as master in his stead; that thereupon, and on the said thirtieth day of July, this deponent took charge of the said vessel as master, and lost no time in going to Wilmington with a view to secure a first mate, but could not obtain one, so deponent hired a proper seaman, as second mate, and returning to the vessel the next day made the second mate of the vessel the first mate; that as the gale of wind was not yet spent and continued up to the third day of August, 1861, the vessel did not get to sea until that day, but on that day she set sail on her voyage for Liverpool; that she was then sound, taut, and strong, and well and sufficiently manned, apparelled, and victualled; that from the time she reached Smithville aforesaid, from the time she so got to sea, and went to sea, there was not a vessel-of-war of the United States of America nor any other vessel-of-war in sight; that on the same day of sailing, and when the said brig had gone about thirty-two miles seaward from Wilmington Bar, on her said voyage to Liverpool, she saw a large vessel coming towards her; the wind was east to east-southeast; the brig (Sarah Starr) had everything set and was going about four and a half or five knots; that said large vessel was coming
53 from the southward and westward and the Sarah Starr was steering east by south half south. When the said large vessel, and which proved to be the United States vessel-of-war Wabash, was first discovered by this deponent, she hoisted British colors and kept them up for about half an hour, and deponent also hoisted British colors; then the said United States vessel-of-war hauled down the British colors and hoisted the United States flag and fired a shot from her port bow; she did not fire across the Sarah Starr's bow, but fired from her port leeward of the said brig. This deponent thereupon caused the said brig to be hove too, and waited the coming of the boat from the Wabash, which arrived when with an armed crew and two officers. The latter demanded of deponent the papers of the Sarah Starr, and he took them into the cabin and handed them to such officers, who asked him to go on board the Wabash, which he did, they carrying all the ship's papers with them; that on getting on board the Wabash he was questioned by her commander, Captain Mercer, in regard to the said Sarah Starr,

and truthfully answered all questions put to him, and soon thereafter Captain Mercer said to deponent: "Captain, I have made up my mind to make your vessel a prize." Deponent asked him by what right or authority he did it; when he replied, "Well, I'll take her on suspicion, anyhow," and thereupon required this deponent to send all his men on board, keeping, at the time, all the ship's papers, and never having given them up to deponent, and they have been kept from him ever since. That from this time deponent's command, as master of said brig was virtually and in fact taken from him; that at first the said Captain Mercer consented to let deponent and *and* the said passenger, Mr. Munro, and the steward, and boy remain on board the brig, but very soon thereafter he countermanded the same and only allowed this deponent, and the steward, and boy to remain on board, and the passenger, Mr. Munro, and the two mates, and five seamen were taken and remained on board the Wabash, and a lieutenant and gunner, and about six armed men from the latter took charge of the Sarah Starr, and commenced at once to sail her for the port of New York, where she arrived on the tenth day of August, 1861, and she was anchored on the same day off the Battery; that deponent went on shore to the British consulate and with a view to note protest and leave it open to be extended. That while so ashore the prize officer, who had come on with the vessel, namely Lieutenant McKay broke open this deponent's cabin door and took away the log-book of the said Sarah Starr, and the same has never been returned; that while anchored off the said battery, in an exposed situation, and while under the charge and control of said officer and men, (as prize crew,) and on the thirteenth day of August, 1861, the said brig Sarah Starr experienced a severe storm and dragged both her anchors down to Governor's Island, (a distance of nearly half a mile,) and her boat was lost in the storm. That up to within two or three days of the time when the said brig was brought into the port of New York in charge of the said officer and men from the Wabash, (as prize crew,) as aforesaid, she, the said Sarah Starr, had only an ordinary leak, occurring from the time of her loading similar to what any sound vessel would have and amounting to not more than six or eight inches in twenty-four hours, but since the time last aforesaid the leak has increased most seriously daily, and she is making and has been making for several days past from two to three feet in every twenty-four hours, and it requires men to be pumping all day to keep her free and from the probable chance of sinking; that deponent paid and has continued to pay the expense of such pumping and the hiring men to do it, neither the United States marshal, nor any one under him, nor any of the said prize crew making any effort to keep the said leak under, and the said cargo would be injured and in all probability be destroyed or rendered utterly useless if such pumping had not been constantly continued.

54

55

HENRY HOLGATE.

Sworn at the city of New York this fifth day of October, 1861, before me, as witness my hand and seal of office.

[SEAL.] A. O. SALTER, *Notary Public.*

56 Endorsed: 16, 391. United States district court. The brig Sarah Starr and her cargo, &c., *ads.* the United States of America. Claim and answer of Cowlam Gravely, sole owner of vessel, &c. Charles Edwards, proctor.

Filed Oct. 8, 1861.

57 U. S. district court, southern district of New York, in prize.

THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO, *ads.* THE UNITED STATES, &C.

To the Honorable Samuel R. Betts, judge of the district court of the United States for the southern district of New York:

And now David Evans, of the city of Wilmington, in the State of North Carolina, intervening for his interest in the cargo on board of the brig Sarah Starr, claims that he is the sole and lawful owner of fifty barrels of spirits of turpentine forming part of the said cargo.

And this claimant saith that the capture in the libel alleged was an unlawful capture and that the said fifty barrels of spirits of turpentine have been wrongfully and illegally brought into the port of New York. And this claimant denies that the said fifty barrels of spirits of turpentine, or any part thereof, have been or are forfeited to the United States in manner and form as in the libel alleged. Wherefore, this claimant prays that the said fifty barrels of spirits of turpentine may be restored to him and that he may be hence dismissed.

B. CUTTING, *Proctor.*

58 SOUTHERN DISTRICT OF NEW YORK, *ss:*

Brockholst Cutting, of the said district, being duly sworn, says that David Evans, the above-named claimant, is, as deponent is informed and verily believes, a resident of Wilmington, in North Carolina, and is now out of the district aforesaid.

Deponent further says that by the bills of lading and manifest found on board the brig Sarah Starr, and now in this court, and from the testimony and proofs in preparatorio, he is informed and believes that the said David Evans is the sole and lawful owner of the said fifty barrels of spirits of turpentine so claimed by him.

B. CUTTING

Sworn to before me this 4th day of Nov., 1861.

STEWART L. WOODFORD,
Notary Public in New York City.

Endorsed: 16, 391. U. S. district court. The brig Sarah Starr, &c., *ads.* the United States. Claim and answer of David Evans. B. Cutting, proctor. Filed Nov. 4, 1861.

59 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms, in the city of New York, on Thursday, the 31st day of October, in the year of our Lord one thousand eight hundred and sixty-one.

Present: The Honorable Samuel R. Betts, district judge.

THE UNITED STATES, &C., *vs.* THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO. } In prize. 16, 391.

This cause being called, ordered hearing.

Pleadings read.

Ev'd'ce for libellants:

Affidavit of Charles E. McKay and exhibits attached, marked A, B, C, DD, E, F, GG, H. H. J., read.

Paper, marked Exh. 2, in suit of U. S. *vs.* sch'r Aigburth, offered in evidence and obj'd to by Messrs. Edwards, O'Conner, and Cutting as to its admission, read. (See stipulation filed 2d April, 1862.)

Cause adjourned.

Nov. 1, 1861, aff'd'v't of S. L. Woodford as to Exh. 2 in Aigburth case read.

Exceptions of cl'm'ts Munro, which is ordered to be annexed to Mr. Woodford's affidavit, read.

Depositions in preparatorio read.

Extracts from log-book read.

President's proclamations of April 19th and 27th, 1861, and Commodore Prendegast's proclamation of April 30th, 1861, read.

Correspondence from Lord Lyons to Lord John Russell, (same as offered in Hiawatha case and printed in Mr. Edwards' argument,) read. (See stipulation filed 2d April, 1862.)

60 Answers in preparatorio of Henry Gage, Nos. 7 and 21, in Aigburth case, obj'd to by Munro, cl'm'ts of cargo, read.

Evidence for claimants:

Mr. Edwards offers all the testimony of Henry Gage in the sch'r Aigburth case, read. (See stipulation filed 2d April, 1862.)

Evidence for libellants:

Mr. Evarts offers last circular of Secretary Seward to Lord Lyons, and Lord Lyons's circular to the British consuls, since decision in the Hiawatha case, read.

Cause adjourned.

Nov. 4, Mr. Edwards puts in certified copy of a despatch (May 9, 1861,) of Secretary Seward to Bremin minister, read.

Mr. Edwards offers to put in a despatch from H. B. M.'s consul at Charleston to the British consul at Philadelphia, read.

Also, Mr. Edwards asks leave to refer to certain depositions in the case of the U. S. *vs.* sch'r Aigburth. (See stipulation filed 2d April, 1862.)

Mr. Cutting, for cl'm'ts of cargo, puts in a letter from the Secretary of the Treasury to collector of New York, touching seizure under act of July, 1861.

Mr. Evarts argues on behalf of the government.

Nov. 6, Mr. Edwards argues for claimant of vessel.

Nov. 8, Mr. O'Conor argues for claimants of cargo.

Nov. 12, Mr. Upton argues for government and captors.

C. A. V.

61 U. S. district court.

THE UNITED STATES, &c.,
vs.
THE BRIG SARAH STARR, HER TACKLE, &c., AND HER cargo.

It is hereby stipulated by and between the proctors for the libellants and several claimants that the papers and depositions in the case of the schooner Aigburth and the correspondence between Lord Lyons and Lord John Russell, which were offered and allowed by the court to be introduced on the hearing in the district court, be used on the appeal to the circuit in the place of full copies being inserted in the apostles herein.

April 2, 1862.

E. DELAFIELD SMITH, *U. S. Dis't Att'y.*
CHARLES EDWARDS, *Proctor.*
B. CUTTING, *Proctor, &c.*

Endorsed: In prize. 16, 391. U. S. district court. The United States, &c., vs. the brig Sarah Starr, her tackle, &c., and cargo. Stipulation as to evidence in sch'r Aigburth, &c.

Filed 2d April, 1862.

62 District court of the United States for the southern district of New York.

In the matter of the brig Sarah Starr and her cargo, taken as a prize.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Charles E. McKay, being duly sworn, deposes and says that he is midshipman U. S. navy, attached to the U. S. steamer Wabash, Capt. Sam'l Mercer, belonging to the Atlantic blockading squadron; that he was present at the capture of the above-mentioned brig Sarah Starr; that the capture was made by the Wabash on the 3d August ins't, off Cape Fear; that on the same day he received from Capt. Samuel Mercer written orders to "take command of the prize hm'p'd. brig Sarah Starr," of , sailing under English colors captured off Wilmington, N. C., in lat. 33° 18′, long. 77° 55′, Aug. 3d, 1861, by this ship, under my command, and proceed with her to the port of New York;" that at the same time he received from Capt. Mercer the ship's papers belonging to the Sarah Starr; that a prize crew from the Wabash was placed on board the Sarah Starr; that in pursuance of his orders deponent set sail for New York, where he arrived with the vessel and anchored off the Battery about 4 o'clock p. m., on Sunday, the 11th Aug't ins't;

63 that he now delivers to the prize commissioners the ship's papers aforesaid, twelve in number, which are as follows:

Permit of Brig. Gen'l Gatlin, Confederate army, marked A.
Three bills of lading, B, C, D.
Consul'r certificate, marked E.
Provisional certificate of registry, marked F.
Manifest, marked G.
Confederate collector's certificate attached, marked G 1.
Manifest and consul's certificate attached, marked HH 1.
Shipping articles, marked I.

That deponent further delivers the log-book of the Sarah Starr found on board that vessel.

This deponent has delivered to the prize commissioners each and every document, paper, and writing received by him relating to the aforesaid captured property in the same state and condition in which he received them, without any fraud, subduction, or embezzlement, and without any additions or alterations whatever, and he does not know, nor does he believe, that any of the documents, papers, and writings so received are missing or wanting.

The deponent further says that if at any time hereafter and before the final condemnation or acquital of the said captured property any further or other papers relating thereto shall be found or discovered to his knowledge, they shall be delivered up or information thereof given to the prize commissioners of this district or to this court.

64 C. E. McKAY, *Mid'n U. S. N.*

Subscribed and sworn before me this 12th August, 1861.
HENRY H. ELLIOTT, *U. S. Prize Com'r.*

A, H. H. E., U. S. P. C.

H'DQUARTERS S. D. C. D., *Wilmington, N. C., July* 24, 1861.

The British brig Sarah Starr, bound for Liverpool, has permission to proceed to sea without interruption.

R. C. GATLIN, *Brig. Gen'l Com'd'g.*

Endorsed: No. 7. Samuel Mercer, captain.

65 B, H. H. E., P. com'r.

Shipped, in good order and condition, by G. C. & M. J. Munro, on board the brig called the Sarah Starr, whereof Gilbert is master, now lying at the port of Wilmington, N. C., bound for Liverpool, to say, (1,307) thirteen hundred and seven barrels spirits turpentine; (420) four hundred and twenty barrels rosin; (131) one hundred and thirty-one barrels crude turpentine; (298) two hundred and nine-eight pounds beeswax; being marked and numbered as in the margin, and are to be delivered in the like good order and condition at the port of Liverpool, (the dangers of the seas only excepted,) unto Messrs. Fraser, Trenholm & Co., or to their assigns, he or they paying freight for the said cargo as customary, without primage and average accustomed.

1016 bbls. spirits M.
50 do.....W.
131 do.....P—B.
87 do.....H.
74 do., no mark.

Say, 135 bbls. spirits are in the house, and 85 bbls. rosin, and 131 bbls. crude turpentine are on deck.

In witness whereof, the master or purser of the said vessel hath affirmed to 5 bills of lading, all of this tenor and date, one of which being accomplished the others to stand void.

Dated in Wilmington, N. C., the 22d day of July, 1861.

F. F. GILBERT.

Endorsed: No. 5, Samuel Mercer.

66 C, H. H. E., U. S. P. C.

Shipped, in good order and condition, by G. C. & W. J. Munro, on board the brig called the Sarah Starr, whereof Gilbert is master, now lying at the port of Wilmington, N. C., bound for Liverpool, to say, (1,307) thirteen hundred and seven barrels spirits turpentine; (420) four hundred and twenty barrels rosin; (131) one hundred and thirty-one barrels crude turpentine; (298) two hundred and nine-eight pounds beeswax; being marked and numbered as in the margin, and are to be delivered in the like good order and condition at the port of Liverpool, (the dangers of the seas only excepted,) unto Messrs. Fraser, Trenholm & Co., or to their assigns, he or they paying freight for the said cargo, as customary, with primage and average accustomed.

1016 bbls. spirits, M.
50 do.....W.
131 do.....P—B.
87 do.....H.
74 do., no mark.

In witness whereof, the master or purser of said vessel hath affirmed to 5 bills of lading, all of this tenor and date, one of which being accomplished the others to stand void.

Dated in Wilmington, N. C., the 22d day of July, 1861.

F. F. GILBERT.

Endorsed: No. 3, Sam'l Mercer, captain.

67 D, H. H. E., U. S. P. C.

Shipped, in good order and condition, by Thomas Evans, on board the brig called the Sarah Starr, whereof is master, now lying at the port of

W. Wilmington, N. C., bound for Liverpool, to say, fifty barrels spirits turpentine, being marked and numbered as in the margin, and are to be delivered in the like order and condition at the port of Liverpool, (the dangers of the seas only excepted,) unto Fraser, Trenholm & Co., or to their assigns, he or they paying freight for the said spirits, twenty-four shillings sterling per barrel with 5 per cent. primage and average accustomed.

In witness whereof, the master or purser of the said vessel hath affirmed to 5 bills of lading, all of this tenor and date, one of which being accomplished the others to stand void.

Dated in Wilmington, N. C., the 22d day of July, 1861.

W. R. DEXTER, *for Capt.*

Endorsed: No. 2, Sam'l Mercer, captain.

68 D No. 1, H. H. E., U. S. prize com'r.

Shipped in good order, by Thomas Evans, on board the brig Sarah Starr, 50 bbls. spirits turpentine.

Marked W.

July 20, '61.

E, H. H. E., U. S. prize com'r.

No. 14. BRITISH VICE-CONSULATE,
Wilmington, North Carolina.

I, Donald MacRae, esq., her Britannick magesty's vice-consul for the port of Wilmington, N. C., do hereby certify unto all whom it doth or may concern that there is at the present date in custom-house of the United States, at the port of Wilmington, N. C., the same having been closed by the local authorities and not reopened by orders of the government of the United States.

I therefore authorize the departure of the British brig Sarah Starr, John F. Gilbert, master, sailing under provincial certificate of registry No. 32, bound from hence to the port of Liverpool, England, and I do declare that the said vessel is a bona fide British vessel, engaged in a lawful trade, and that it is imposible for the master of the said vessel to procure a clearance from a collector of the customs of the United States.

Given under my hand and seal of office, at Wilmington, N. C., this
69 25th day of July, 1861.

[SEAL.] DONALD MACRAE, *British Vice-Consul.*

Endorsed: No. 4, Sam'l Mercer, captain.

F, H. H. E., U. S. prize com'r.

[L. S.] Her Britannic magesty's vice-consulate, North and South Carolina, No. 32 provisional certificate of registry.

Name of ship, Sarah Starr; British or foreign built, foreign, at Stonington, State of Connecticut; when built, 1854; how propelled, by sails; number of decks, one; build, carvel; number of masts, two; gallery, none; rigging, brig; head, billet; stern, square; frame-work, wood.

Measurements.—Length from the fore part of stern under the bowsprit to the aft side of the head of the stern-post, 114 feet; main breadth to outside of plank, 28 feet 1 inch; depth in hold from tonnage deck to ceiling at midships, 9 feet 6 inches.

Tonnage.—Two hundred and seventy-two 79-95 tons, American measurement.

70 I, the undersigned, Robert Bunch, esquire, her Britannic majesty's consul for the States of North and South Carolina, hereby certify that the ship the description of which is prefixed to this my provisional certificate has been duly surveyed under her former register, and that the above description is true; that John F. Gilbert is the master of the said ship; that the said ship was built at Stonington, in the State of Connecticut, in 1854, and her foreign name is Sarah Starr; that the person whose name is hereunder written has purchased all the shares in the above ship.

ROBERT BUNCH, *H. B. M. Consul.*

Name of owner: Cowlan Graveley, of Halton Dial, Yorkshire, merchant, but temporarily residing in Charleston. Number of sixty-fourth shares held: sixty-four.

Dated at Charleston, S. C., the first day of July, 1861.

ROBERT BUNCH, *H. B. M. Consul.*

Note.—This provisional certificate of registry continues in force only until the first day of January, 1862, or until she completes her voyage from Wilmington, North Carolina, to some port at which there is a British
71 registrar, whichever first happens.

ROBERT BUNCH, *Consul.*

Endorsed: No. 9, Samuel Mercer, captain.

G No. 1, H. H. E., U. S. prize com'r.

DISTRICT AND PORT OF WILMINGTON, *State of North Carolina:*

The Confederate States of America.

These are to certify to all whom it does concern that J. F. Gilbert, master or commander of the British brig called Sarah Starr, of burthen 272 79-95 tons, or thereabouts, mounted with guns, navigated with ten men, and bound for Liverpool, England, having on board cargo, as per annexed manifest, hath entered and cleared his said vessel according to law.

Given under my hand and seal at the custom-house of Wilmington, N. C., this twenty-fifth day of July, one thousand eight hundred and sixty-one.

[SEAL.] JAS. T. MILLER, *Collector.*

72 G, H. H. E., U. S. prize comm'r.

DISTRICT AND PORT OF WILMINGTON, *State of North Carolina:*

Outward manifest.—Report and manifest of the cargo laden at the port of Wilmington, N. C., on board the brig Sarah Starr, J. F. Gilbert master, burthen 272 79-95 tons, and bound for the port of Liverpool.

Marks.	Number.	Number, packages, contents and kind; packages, contents and kind.	Quantities.	Value of domestic articles at the port of exportation.	Value of foreign articles not entitled to drawback.	Value of articles entitled to drawback.	Total.	To be landed at.
Various marks..	1	Barrels spirits of turpentine.....	1,358	$12 per bbl.....	.....	.....	16,296	.....
Do.....	2	Barrels rosin.....	420	3 per bbl.....	.....	.....	1,260	.....
No mark.....	3	Barrels crude turpentine.....	131	2 per bbl.....	.....	.....	262	.....
Do.....	4	Pounds beeswax.....	298	25 c. per pound.....	.....	.....	75	.....
	5	Box samples hardware.....	.....	.....	.....	.....	.....	.....

J. F. GILBERT.

Sworn to before me this 25th July, 1861.

JAS. T. MILLER, *Collector.*

Endorsed: No. 6, Samuel Mercer, captain.

73 H, H. H. E., U. S. prize com'r.

DISTRICT AND PORT OF WILMINGTON, *State of North Carolina:*

Outward manifest.—Report and manifest of the cargo laden at the port of Wilmington, N. C., on board the brig Sarah Starr, J. F. Gilbert master, burthen 272 79-95 tons, and bound for the port of Liverpool.

Marks.	Number.	Packages, contents, and kind.	Quantities.	Value of domestic articles at the port of exportation.	Value of foreign articles not entitled to drawback.	Value of articles entitled to drawback.	Total.	To be landed at.
Various marks..	1	Barrels spirits of turpentine.....	1,358	$12 per bbl.....	.....	.....	$16,296	Liverpool...
Do.....	2	Barrels rosin.....	420	3 per bbl.....	.....	.....	1,260	.....
No mark.....	3	Barrels crude turpentine.....	131	2 per bbl.....	.....	.....	262	.....
Do.....	4	Pounds beeswax.....	298	25 c. per pound.....	.....	.....	75	.....
Do.....	5	Box samples hardware.....	1	.....	.....	.....	.....	.....

74 I, J. F. Gilbert, master or commander of brig Sarah Starr, of , bound from the port of Wilmington aforesaid to , do solemnly, sincerely, and truly swear that the manifest of the cargo on board the brig Sarah Starr, now delivered by me to the collector of the district, and subscribed with my name, contains, according to the best of my knowledge and belief, a just and true account of the articles now actually laden on board the said vessel, and that the value of such articles are truly stated according to their actual cost or the values which they truly bear at this time in the said port of Wilmington, and if any other articles shall be laden or put on board the said brig Sarah Starr, previous to her sailing from this port, I will immediately report the same to the collector. I do also swear that I verily believe the duties on all foreign merchandise therein specified have been paid or secured according to law and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just report thereof to the collector of the district wherein such distress or accident may happen, and the said cargo is
75 truly intended to be landed at Liverpool. So help me God.

J. F. GILBERT.

Sworn to before me this day of , 18 .

Endorsed: No. 8, Sam'l Mercer, captain.

H No. 1, H. H. E., U. S. prize com'r.

BRITISH VICE-CONSULATE, *Wilmington, N. C., 22d July*, 1861.

On this day appeared before me John F. Gilbert, master of the British brig Sarah Starr, bound for Liverpool, England, who, being by me duly sworn, did depose and say that the document hereunto annexed contains a true and faithful account of the cargo on board the said brig, and that there is no cargo on board other than that described in the said manifest.

JOHN F. GILBERT, *Master.*

Sworn before me at Wilmington, N. C., this 22d day of July, 1861.

[L. S.] DAVID MACRAE, *British Vice-Consul.*

76 I, H. H. E., U. S. prize com'r.

Agreement for foreign-going ship, brig Sarah Starr, 272 79-95 tons, sailing under provisional register granted by her majesty's consul at Charleston, So. Ca.

The several persons whose names are hereunto below subscribed and of whom 10 seafaring men, master and officers included, all told, shall be considered a full compliment, agree to serve on the said brig, on a voyage from the port of Wilmington, N. C., (North Carolina,) to Liverpool or some other port in Great Britain, and they agree to behave in an orderly, sober, and honest manner and to obey the lawful commands of the master or his successor, whether on board, in boats, or on shore, and that any embezzlement of the ship's cargo or stores shall be made good to the owners out of the wages of the person guilty of the same; and if any person enter himself as qualified for a duty which he is not competent to perform, he shall suffer a reduction of his wages in proportion to his incompetency. Provisions according to scale prescribed by merchants shipping art of 1854.

77 In witness whereof, the several parties have affixed their signatures on the days opposite to their names.

Signed by J. F. Gilbert, master, on the 20th day of July, 1861.

No.	Signature of crew.	Age.	Place of birth.	Date and place of joining the ship.	In what capacity.	Wages per month.	Monthly allowance (if any.)	Advance.	Signature of witness, shipping master, or consul.
	H. Holgate	23	Charleston		1st mate	$40			A. W. Black.
	Richard Walsh	39	Harbor Grace	Wilmington, 20th July, 1861	2d mate	$25		$20	D. MacRae, vice-con'l.
	Lawrence Parsons	28	County Dublin	Charleston, July 16th, 1861	Seaman	Eighteen dollars		Twenty dollars.	Robert Bunch, consul.
	Felix Skelton	27	County Tyrone	Charleston, July, 16th, 1861	Seaman	Eighteen dollars		Twenty dollars.	Robert Bunch, consul.
	Richard Vance	35	Ireland	Taken up, having enlisted	Seaman	Eighteen dollars		Five dollars	A. W. Black.
	W. Gahl	23	Prussia		Seaman	Eighteen dollars		Eighteen dollars	A. W. Black.
	Edward ⋈ Westfall	33	Holland		Seaman	Eighteen dollars		Eighteen dollars	A. W. Black.
	Pelter Bennett	50	Bordeaux	Wilmington, 20 July, 1861	Cook	$25		$25	D. MacRae, V. C.
	Antonio Grange, his ⋈ mark	30	Maderia	Wilmington, 20 July, 1861	Seaman	$18		$20	D. MacRae, V. C.
	Louis Lavego, his ⋈ mark	14	Boston	Wilmington, 20 July, 1861	Boy	$8		$8	D. MacRae, V. C.

BRITISH CONSULATE, *Charleston, July 18th*, 1861.

The foregoing men have been shipped with my sanction, H. Holgate, Lawrence Parsons, Felix Skelty, W. Gahl, and Edward Westfall, the master and remainder of crew to be shipped in Wilmington.

[L. S.] ROBERT BUNCH, *H. B. M. Consul.*

BRITISH VICE-CONSULATE, *Wilmington, North Carolina.*

Papers deposited 19th July, and returned to master 25th July, 1861.

[L. S.] DONALD McRAE, *British Vice-Consul.*

BRITISH VICE-CONSULATE, *Wilmington, N. C., 25th July*, 1861.

I hereby certify that John F. Gilbert, master, and Rich'd Walsh, Peter Bennett, Antonio Grange, and Louis Lavigo, seamen, have been shipped on the terms of the within agreement, which has been read over and explained to them in my presence.

[L. S.] DONALD MACRAE, *British Vice-Consul.*

Endorsed: Brig Sarah Starr, 272 79-95 tons. No. 1, Sam'l Mercer, captain.

79 The claimants, George C. Monro and William J. Monro, by their counsel, object to the invocation of said paper as evidence against them, on the ground that they, the said claimants, are in no respect interested or connected with in said other cause, or said schooner Aigburth, &c., &c., and that they are in no way connected with said paper proposed to be invoked.

N. Y. Nov. 1, 1861.

F. B. CUTTING.
CH. O'CONNER.

And the district attorney having prayed leave to invoke the answers No. 7 and No. 21 of Henry Page, a witness examined in preparatorio in said case of the Aigburth, the said claimants Monro in like manner object to the invocation thereof.

N. Y., Nov., 1861.

F. B. CUTTING.
CH. O'CONNER.

U. S. district court, southern district of New York, in prize.

THE UNITED STATES
vs.
THE BRIG SARAH STARR, &c., &c., &c.,

SOUTHERN DISTRICT OF NEW YORK, *ss:*

80 Stuart L. Woodford, being duly sworn, says that he is assistant attorney for the United States for this district; that there is now at issue upon the prize calender of this court a certain suit, entitled "the United States *vs.* the schooner Aigburth, &c., &c.," in which the said United States are libellants, and one Cowlam Gravely claimant of both vessel and cargo; that said United States are libellants herein, and the said Carlan Gravely is claimant of the vessel and of one fourth of the cargo herein; that among the proofs in said suit of "the United States *vs.* the schooner Aigburth, &c., &c.," is a certain paper marked as follows: Exhibit 2, referred to in the testimony of Capt. Gage, taken 12 Sept., 1861, E. H. Owen, prize commissioner; and that said paper is material and necessary for the just determination of this cause, as will appear by the inspection thereof.

STEWART L. WOODFORD.

Sworn to before me this 1st day of November, 1861.

JOHN A. OSBORN, *U. S. Com'r.*

Due and timely service of a copy of the within affidavit and notice is hereby admitted. New York, Oct 31, 1861.

Endorsed: U. S. dist. court. The United States *vs.* the brig Sarah Starr, &c., &c. Affidavit and notice of E. Delafield Smith, U. S. att'y.

Please take notice that on the 31st day of October, 1861, I shall move on the within affidavit that the paper therein referred to be invoked into this cause.

Oct. 29th, 1861.

E. DELAFIELD SMITH, *U. S. Att'y.*

Filed Nov. 1st, 1861.

81 *Log-book brig Sarah Starr, Wilmington, N. C.*

List of crew.—J. H. Gilbert, captain; H. Holgate, 1st officer; R. Welsh, 2d officer; J. Bennet, cook; L. Levigo, boy; Edward Asfor, seaman; William Eim, seaman; Lawrence Spearson, seaman; Felix Skinton, seaman; Anthony Graim, seaman.

JULY 26th, 1861.

At 9.30 p. m., steamer Equator took the brig in tow, and towed her to Smithville; crew employed in stowing the deck load. Weather squarly, with little or no wind. Pumps regularly attended.

SATURDAY, JULY 27th.

All this day fine cleare weather; wind SW. strong; laying at anchor with twenty fathom of poart chain; crew employed variously.

SUNDAY, JULY 28th.

All this day fine clear weather, with strong wind from SW.

MONDAY, JULY 29th.

Begins with strong wind and clear weather from SW.; crew employed in mooving the sperrets on deck from the house, and rossin to house.
82 Pumps regularly attended to.

TUESDAY AND WEDNESDAY, JULY 30th and 31st.

All the deck loade secuared and ready for sea. Weather SW. strong. Cap. sicke and gon to towne.

THURSDAY AND FRIDAY, AUGUST 1st and 2d.

The maite gon to towne to get a 2d officer; returned on Friday and tooke charge of the brig.

British brig Sarah Star, H. Holgate, master, from Wilmington, N. C., towards Liverpool.

SATURDAY, AUGUST 3d, 1861.

H.	N.	C.	W.	
1	....	.....	.....	Beguins with fine clear weather. At daylight hove up the anchor, an steamer tooke us in tow, an proseaded to sea. At 6.45 a. m. crossed the bar, formnd all saile; steamer left wind variably from E. to S. SE.; slood on the starboard tack. At noon made a saile to the SW. At 12.30 p. m. the L. house bore N. by E. ½ E., distance fifteen miles, from which I take my depart. At 3.30 p. m. the U. S. steamer Wabash, on the starbord bow, distance aboute thre miles, with the English flag flying at her peake; at 3.46 fiard and hoisted the stars and stripes; hove my vessel to, and was boarded by a U. S. hofficer from the Wabash; looked at my papers and hasked me to go on boarde with him; went and he tooke all my papers. The cap. told me I was a prize, and hafter some delay sent me on boarde my brig with a prize crew; they took all hands on boarde the Wabash, but the captain, steward, and one boy, likewise taking a cabin passenge on boarde the steamer with the rest of the crew. Returned non of my papers. I likewise had to give up a letter bag I was taking to Liverpool. Aboute 7.30 p. m. maide saile, and proseaded to N. York.
2	....	.....	.....	
3	....	.....	.....	
4	....	.....	.....	
5	....	.....	.....	
6	....	.....	.....	
7	3	S.....	E...	
8	3	S.....	E...	
9	3	S.....	E...	
10	3	S.....	Variable.	
11	3	S.....	Variable.	
12	3	S.....	Variable.	
1	4	SE. by E.	Variable.	
2	4	SE. by E.	Variable.	
3	4	SE. by E.	Variable.	
4	3	SE. by E.	Variable.	
5	....	.....	.....	
6	....	.....	.....	
7	....	.....	.....	
8	....	.....	.....	
9	....	.....	.....	
10	....	.....	.....	
11	....	.....	.....	
12	....	.....	.....	

List of my crew that went on board the Wabash.—Mr. G. C. Monro, passange; R. Welch, 1st officer; Sheppard, 2d officer; Edward Asfor, seaman; William Elm, seaman; Lawrence Spearson, seaman; Felix Skinton, seaman; Anthoney Graine, seaman.

84 District court of the United States for the southern district of New York.

Deposition of Peter Bennett, a witness produced, sworn, and examined in preparatorio on the sixteenth day of August, in the year eighteen hundred and sixty-one, at No. 72 Wall street, in said city, on the standing interrogatories established by the district court of the United States for the southern district of New York, the said witness having been produced for the purpose of such examination by E. Delafield Smith, esqr., U. S. dist. att'y, in behalf of the captors of a certain ship or vessel called the Sarah Starr and her cargo.

1. To the first interrogatory he says: I was born in Bordeaux, France. I live in New Bedford, Massachusetts. I have lived there fifteen years past. I have been married; my wife now lives in Bordeaux. I am a citizen of France and a subject of the emperor of the French.

2. To the 2d interrogatory he says: I was present at the capture of the Sarah Starr.

3. To the 3d interrogatory he says: The vessel was seized about two weeks ago, and about 30 miles from Wilmington, North Carolina, about 4 o'clock p. m. She was brought into the port of New York. She had no commission or authority to make prizes. I don't know for what reason or on what pretence the seizure was made.

85 4. To the 4th interrogatory he says: The vessel sailed under the English flag. I don't know that there were any other colors on board.

5. To the 5th interrogatory he says: No resistance was made at the time of capture. One gun was fired by the Wabash, may be two. The Wabash captured us. At the time she had a schooner in tow. I saw no other vessels in sight at the time, but afterwards another steamer came along. The Sarah Starr was a merchantman. The Wabash was a United States steam frigate. I heard that the Sarah Starr belonged to an Englishman. That is all I know.

6. To the 6th interrogatory he says: I don't know whether or not the Wabash had any commission to act in the seizure, nor that the Sarah Starr has been condemned.

7. To the 7th interrogatory he says: The name of the vessel taken was the Sarah Starr. I don't know the name of the captain, her master, or commander. I only know him as "captain." I don't know who made him captain or where, or by whom the vessel was delivered to him. I don't know where the master lives, nor whether he is married, nor where he was born, nor of what country or state he is a subject citizen.

86 8. To the 8th interrogatory he says: The vessel is about 250 tons burthen. The company of the vessel were ten, officers and crew all told, all of whom were on board when the vessel was taken. I don't know what countrymen they were. They all came aboard at the same time I did, on Friday, the 20th July last, I believe in Wilmington, North Carolina. I was shipped by Mr. Williams, the keeper of the Sailors' Home, at Wilmington. All were hired at the same place, Sailors' Home.

9. To the 9th interrogatory he says: I was steward on board the vessel at the time of her capture; I had not nor had any of the ship's company any interest in the vessel or cargo to my knowledge or belief.

10. To the 10th interrogatory he says: I have known the Sarah Starr about a year. I first saw her in Wilmington, North Carolina. I shipped on

Peter Bennett, a witness produced on behalf of the captors, was taken by and under my direction at the time and place mentioned in the caption thereof; that the same contains the answers of the said witness to the "standing interrogatories;" that before such examination was commenced the oath directed by the 17th prize rule was by me duly administered to the witness, and he was thereupon afterwards examined separate and apart from the other witnesses; that such examination was begun, continued, and finished on the same day, and was by me, or in my presence, and in the presence of the said witness and under my direction reduced to writing, and the same having been by me carefully read to him was by him subscribed in my presence at the close of such examination.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the city of New York, this 16th day of Aug., in the year of our Lord one thousand eight hundred and sixty-one.

[SEAL.] E. H. OWEN, *U. S. Prize Com'r.*

93 District court of the United States for the southern district of New York.

Deposition of Lewis Lavego, cabin-boy, a witness produced, sworn, and examined in preparatorio, on the 16th day of August, in the year eighteen hundred and sixty-one, at No. 72 Wall street, in said city, on the standing interrogatories established by the district court of the United States for the southern district of New York, the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. dist. attorney, in behalf of the captors of a certain ship called the Sarah Starr and cargo.

1. To the 1st interrogatory he says: I was born in Italy. I am thirteen years old. I now live in Boston. I have lived there for three years past. I don't know to whom I owe allegiance.

2. To the 2d interrogatory he says: I was present at the capture of the Sarah Starr.

3. To the 3d interrogatory he says: The capture was made off Wilmington bar; about 32 miles off. I don't remember the day. The vessel was brought to this port of New York. I don't know anything concerning the other matters enquired of in this interrogatory.

94 4. To the 4th interrogatory he says: The vessel sailed under English colors. I don't know that there were any other colors on board.

5. To the 5th interrogatory he says: No resistance was made at the time of capture. There was one gun fired by the Wabash. There was one schooner in sight at the time. The Sarah Starr was a merchantman. The Wabash was an American ship-of-war.

6. To the 6th interrogatory he says: I don't know whether or not the Wabash had any commission to act in the seizure. I don't know anything of the other matters enquired of.

7. To the 7th interrogatory he says: The name of the vessel captured was the Sarah Starr. I don't know the name of her master, nor who appointed him to the command, nor when such appointment was made. I have known the vessel since I first shipped in her, which is about three or four weeks ago, and I have known the captain since that time, but I don't know his name. I don't know when or where he took possession nor who delivered the vessel to him. I don't know anything about the other matters enquired of in this interrogatory.

8. To the 8th interrogatory he says: I don't know the burthen of
95 the vessel, nor how many constituted the ship's company, nor what

countrymen they were, nor by whom they were shipped. The crew all went on board when I did, at Wilmington, North Carolina. I can't state the time; it was some three or four weeks ago.

9. To the 9th interrogatory he says: I belonged to the vessel. I was cabin-boy. I had no interest in the vessel or cargo, and cannot answer this question any farther.

10. To the 10th interrogatory he says: I have known the vessel for about three or four weeks past. I cannot answer the remaining part of this interrogatory. I have no knowledge or information of the matters enquired of.

11. To the 11th interrogatory he says: The vessel was bound to Liverpool, England, when captured. I don't know but I suppose the voyage commenced at Wilmington, North Carolina, and was to have ended at Liverpool. I have understood and believe that her cargo was naval stores. I don't know when it was put on board. It was all aboard when I joined the vessel. She had the same cargo on board when captured that she had when I joined her.

12. To the 12th interrogatory he says: I have no knowledge or information concerning the matters enquired of in this interrogatory.

13. To the 13th interrogatory he says: I cannot answer this interrogatory farther than I have already.

96 14. To the 14th interrogatory he says: I have no knowledge or information concerning the matters enquired of in this interrogatory.

15. To the 15th interrogatory he says: I have no knowledge or information concerning the matters enquired of in this interrogatory.

16. To the 16th interrogatory he says: I know nothing concerning the several matters enquired of in this interrogatory.

17. To the 17th interrogatory he says: I don't know anything about the bills of lading. I never heard anything about them, and cannot further answer this interrogatory.

18. To the 18th interrogatory he says: I have no papers and cannnot answer the questions in this interrogatory. I know nothing further.

19. To the 19th interrogatory he says: I have no knowledge or information concerning the matters enquired beyond what I have already stated.

20. To the 20th interrogatory he says: I have no knowledge or information concerning the matters enquired of. I did not see or hear that any papers were burnt, torn, thrown overboard, or otherwise destroyed or concealed.

21. To the 21st interrogatory he says: I knew at the time I joined the vessel, and of her sailing and capture, that the State of North Car-
97 olina was at war with the United States. I don't know whether the others knew it or not. I did not know that the port of Wilmington was blockaded.

22. To the 22d interrogatory he says: I have no knowledge or information concerning the matters enquired of.

23. To the 23d interrogatory he says: The vessel was not boarded by any officer after she sailed and before she was captured, nor spoken by any vessel.

24. To the 24th interrogatory he says: I don't know that the vessel ever attempted covertly or secretly to enter or sail from the port of Wilmington. I have no information upon the subject.

25. To the 25th interrogatory he says: I don't know that the vessel has ever been seized before this.

26. To the 26th interrogatory he says: I have not sustained any loss by the seizure.

27. To the 27th interrogatory he says: I don't know whether the vessel and cargo was insured.

28. To the 28th interrogatory he says: I have no knowledge or information of the matters enquired of.

29. To the 29th interrogatory he says: I don't know the growth or manufacture of the cargo.

30. To the 30th interrogatory he says. I don't know how or where the cargo was taken on board.

98 31. To the 31st interrogatory he says: I don't know anything concerning the several matters enquired of in this interrogatory.

32. To the 32d interrogatory he says: No papers were delivered out of the vessel or carried away to my knowledge or belief.

33. To the 33d interrogatory he says that bulk has not been broken.

34. To the 34th interrogatory he says: There was one passenger aboard. He was not secreted. I don't know his name. I don't know of what nation, nor what business he had on board. He did not work the ship. He was going to Liverpool, but I don't know his business. There were no other persons aboard except him and the ship's company.

35. To the 35th interrogatory he says: I have not written or signed any letters or papers concerning the vessel or her cargo, and have no knowledge or information concerning the other matters enquired of.

36. To the 36th interrogatory he says: The vessel was steering her course for Liverpool when taken, and her course was not altered when the Wabash hove in sight. I was on deck at the time. As far as I know her course was at all times directed towards Liverpool after we left Wilmington.

99 37. To the 37th interrogatory he says: I have no knowledge or information in regard to the matters inquired of.

38. To the 38th interrogatory he says: There were no guns or ammunition aboard, and so far as I know or believe there was nothing aboard except her cargo before mentioned and her ship stores.

39. To the 39th interrogatory he says: I have stated all I know concerning the real and true property and destination of the vessel and cargo.

40. To the 40th interrogatory he says: The vessel did not sail under convoy or in company with any other vessel.

41. To the 41st interrogatory he says: The vessel has never to my knowledge or belief sailed to or from any blockaded port.

42. To the 42d interrogatory he says: I have no knowledge or information concerning the matters enquired of.

43. To the 43d interrogatory he says: The vessel never to my knowledge or belief sailed or acted in company with any vessel as enquired of in this interrogatory.

his
LEWIS ⋈ LAVEGO.
mark.

100 UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, Edward H. Owen, one of the prize commissioners appointed by the district court of the United States for the southern district of New York, in and for the said district, do hereby certify that the foregoing deposition of Lewis Lavego, a witness produced on behalf of the captors, was taken by and under my direction at the time and place mentioned in the caption thereof; that the same contains the answers of the said witness to the "standing interrogatories;" that before and after the examination commenced the oath directed by the 17th prize rule was by me duly administered to the witness, and he was thereupon afterward examined seperate and apart from the other witnesses; that such examination was begun, continued, and finished on the same day, and was by me or in my presence,

and in the presence of the said witness and under my direction, reduced to writing, and the same having been by me carefully read to him, was by him subscribed in my presence at the close of such examination.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the city New York, this 16th day of Aug., in the year of our Lord one thousand eight hundred and sixty-one.

[SEAL.] E. H. OWEN, *U. S. Prize Com'r.*

101 District court of the United States for the southern district of New York.

Deposition of Henry Holgate, master, a witness produced, sworn, and examined in preparatorio, on the 15th day of August, in the year eighteen hundred and sixty-one, at No. 72 Wall street, in the city of New York, on the standing interrogatories established by the district court of the United States for the southern district of New York, the said witness having been produced for the purpose of such examination by E. Delafield Smith, esq., U. S. dist. att'y, in behalf of the captors of a certain ship or vessel called the Sarah Starr and her cargo.

1. To the 1st interrogatory he says: I was born in Manchester, England. I am a seafaring man and have no home. I am not married. I am a naturalized citizen of the United States, and owe allegiance thereto.

2. To the 2d interrogatory he says: I was present at the capture of the Sarah Starr concerning which I am now examined.

3. To the 3d interrogatory he says: Such seizure was made off Wilmington, North Carolina, about thirty miles off the bar of that port, on the
102 3d of August, 1861, at ¼ to 4 o'clock p. m. The vessel was carried from thence to this port of New York. She had no commission or letters authorizing her to make prizes. The captain of the Wabash, the vessel which seized the Sarah Starr, told me that she was taken on suspicion, but did not specify upon what suspicion she was taken.

4. To the 4th interrogatory he says: The Sarah Starr sailed under English colors. She had on board also the United States flag—a burgee—also a flag containing simply the American eagle and a shield. The reason she had the United States colors on board was that I was informed, she had been formerly a United States vessel.

5. To the 5th interrogatory he says: No resistance was made at the time of such capture. One gun was fired by the Wabash, the vessel which made the capture. There were two other vessels in sight at the time, one being a schooner, and the other a United States steamer. I don't know her name. The Sarah Starr was a merchantman and belonged to Mr. Gravely, a British subject, whose first name I do not remember. The Wabash was a ship-of-war belonging to the government of the United States. I don't know her force.

103 6. To the 6th interrogatory he says: I do not know whether the Wabash had any commission to act in the seizure of the Sarah Starr or not. The Sarah Starr has not yet been condemned.

7. To the 7th interrogatory he says: The name of the vessel taken was the Sarah Starr, before mentioned. I was her master and commander. I was appointed to such command by the British vice-consul of Wilmington, North Carolina, at Smithville in that State, which is within about a mile of and inside of the bar at the mouth of the harbor of Wilmington. The bar before mentioned is called Cape Fear Bar. I have known the Sarah Starr since the 20th of July last. I took possession of the vessel at Smithville before mentioned. I was aboard of her as mate when I was appointed to the command of her as master by the aforesaid British vice-consul, whose

name I do not remember; the appointment was sent to me by the vice-consul, by a master of a tug-boat which came down to the vessel.

8. To the 8th interrogatory he says: the Sarah Starr is of the burthen of 273 tons or thereabouts, and her company at the time of seizure consisted of ten, officers and crew all told, and all were on board at the time. 104 The best part of the ship's company were English, I believe there were two besides myself who were Americans; they all came aboard at the same port except the 2d mate, and all at one time except him. They the were all on board when I joined her as mate on the 20th July last, except 2d mate, who came aboard on or about the first of August instant. I shipped as first mate of the vessel at Charleston, the vessel being then at Wilmington. This was on the 18th July. There were two seamen who also shipped at Charleston and came on with me and joined the vessel at Wilmington. There were two other men of the crew that were shipped by the British consul at Charleston, who were aboard of the vessel when I arrived. The remainder of the crew except the 2d mate were shipped at Wilmington, and were on board when I joined her. The 2d mate was shipped at Wilmington, and came aboard after I was made captain. I was made captain on the 31st July last. I believe all the officers and men were shipped or hired by or under the British consul.

9. To the 9th interrogatory he says: I was master of the vessel at the time of her seizure. I wish to state that while lying at the bar at Smithfield, Captain Gilbert, who was the master of the vessel, was taken 105 sick and went to Wilmington, and thereupon the British vice-consul sent down a certificate directing me to take charge of the vessel as master. I have the paper and will produce it. I then made the 2d mate my first mate, and then went to Wilmington, and shipped my 2d mate. I had no interest in either the vessel or cargo, nor had any of the ship's company any interest therein.

10. To the 10th interrogatory he says: I first saw the vessel when I went aboard of her on the 20th July last, at Wilmington. I never saw her before. She carried no guns. I should judge she was an American-built vessel. I don't know that she has ever been called or known by any other name than the Sarah Starr.

11. To the 11th interrogatory he says: The vessel was bound for Liverpool, England, when taken. That voyage began at Wilmington and was to have ended at Liverpool. When she set out from Wilmington her lading consisted of naval stores, and she had the same on board when captured. It was put aboard in July of this present year. She did not have on board any goods contraband of war or prohibited by law to my knowledge or belief.

12. To the 12th interrogatory he says: The vessel had no passport 106 or sea-brief on board. I had three different kinds of permits to leave the harbor, one from the British vice-consul, another a permit from commander of the harbor to pass the fort, and the other from the Confederate collector at the port of Wilmington. I don't know to what ports or places the vessel sailed before the present voyage. I know nothing of her history prior to the time I joined her. The vessel sailed from Wilmington on the voyage in which she was captured on the 26th July last, and on reaching the bar some thirty miles below Wilmington we had to come to and anchor, because the rigging was so slack, and we laid there in consequence of a heavy gale until the morning of the 3d August, when we got under way and proceeded on the voyage. I cannot answer this interrogatory any farther.

13. To the 13th interrogatory he says: I have already stated that the vessel had on board a cargo of naval stores when she sailed and when she

was captured. These goods consisted of spirits of turpentine, raw turpentine, fine rosin, and a small quantity of beeswax, and two small packages, one a small box and the other a brown paper parcel, the contents of
107 which I have no knowledge. I presume they are on the manifest. I can't state the quantities of the different kinds of cargo, it was chiefly aboard when I joined the vessel. The whole was taken aboard in July last.

14. To the 14th interrogatory he says: I have already stated that the vessel was owned by a Mr. Gravely. The cargo was owned by G. C. & W. J. Munro. I only know that they were the owners of the cargo from seeing their names on the bills of lading. And I only know that Mr. Gravely was the owner of the vessel because, I saw his name in the registry or bill of sale, I don't know which. This is all I know about the ownership of the vessel and cargo. Mr. Gravely is an Englishman, a British subject. I believe he lives in Charleston, South Carolina. I can't say whether or not he is married. Nor how long he has resided in Charleston, nor where he previously resided. Messrs. G. C. & W. J. Munro live in Newport, Rhode Island. I know this from heresay. I believe they are citizens of the United States.

15. To the 15th interrogatory he says: I don't know whether or not there was any bill of sale given of that vessel, nor whether any engagement was entered into concerning the purchase of the vessel. I know nothing of the matters enquired of in this interrogatory.

108 16. To the 16th interrogatory he says: I have already stated that the cargo on board at the time of the capture was shipped during the month of July last. I don't know who were the shippers. The consignees were Frazer, Trenholm & Co., of Liverpool, England. I don't know what countrymen the consignees are, nor of the shippers unless they were G. C. & W. J. Monro above named. As far as I know the goods belonged to Messrs. Monro, and were to be delivered in Liverpool. I cannot answer the remainder of this question furthen I have already.

17. To the 17th interrogatory he says: I believe there were three sets of bills of lading signed for the goods on board. None of them were false or colorable, and none were signed which differed in any respect from on board of the vessel when she was captured.

18. To the 18th interrogatory he says: I had no interest in either the vessel or cargo, and there were no papers on board showing any interest of mine therein. I had on board a register which showed the interest of Mr. Gravely in the vessel. I had nothing showing any interest of any one in the cargo unless it was the ship's bills of lading. I cannot produce these papers, they were all delivered by me to the boarding officer from the
109 Wabash, who boarded my vessel. These papers were found by me in the captain's room, in his desk, when I took command of the vessel. The last I saw of these papers was on board the Wabash after the vessel was captured. I don't know where they now are.

19. To the 19th interrogatory he says: The vessel was captured in 33° 3′ north latitude, and about 78° 3′ west longitude; that was the latitude and longitude at 12 o'clock on the day whereon the vessel was captured. I have already stated the day, month, and hour, and place or port near to which such capture was made. There was no charter-party signed for the voyage to my knowledge.

20. To the 20th interrogatory he says: There were no papers, bills of lading, letters, or other writings relating to the vessel or cargo on board the vessel at the time she took her departure from Wilmington, her last clearing port, except those that I delivered on board the Wabash. There were none burnt, torn, thrown overboard, cancelled or attempted to be concealed.

21. To the 21st interrogatory he says: I knew at the time of capture that the State of North Carolina was in a state of war with the United States, but I knew for a certainty that the port of Wilmington, was not held
110 in a state of blockade by the naval forces of the United States. I don't know whether or not the owners had any notice or knowledge of the matters enquired of. I got my knowledge in regard to the war, from general report in Charleston, and in Wilmington prior to the sailing of the vessel.

22. To the 22d interrogatory he says: The port of Wilmington was not under and order of blockade by the government of the United States at the time the vessel entered to my knowledge. I don't know when she entered that port. I had no notice whatever of the blockade of that port before or at the time of sailing, and I have no knowledge or information as to what occurred on entering the port.

23. To the 23d interrogatory he says: The register of the vessel was not shown to or examined by any officer of the United States navy, or by any revenue officer before she was captured.

24. T the 24th interrogatory he says: I don't know that the vessel ever attempted covertly or secretly to enter or sail from the port of Wilmington, and I believe she never has done either.

25. To the 25th interrogatory he says: The vessel has never been seized as a prize and condemned, to my knowledge.

111 26. To the 26th interrogatory he says: I can't tell whether or not I have sustained any loss by the seizure and detention of the vessel. I have not received any indemnity or promise of indemnity.

27. To the 27th interrogatory he says: I don't know whether the vessel and cargo or any part thereof were insured or not.

28. To the 28th interrogatory he says: I have no knowledge to whom the cargo would belong on delivery at Liverpool, beyond what I have already stated.

29. To the 29th interrogatory he says: The cargo on board of the vessel was of the produce of North Carolina.

30. To the 30th interrogatory he says: The best part of the cargo was taken from the wharf, some of it was taken from lighters.

31. To the 31st interrogatory he says: There are not to my knowledge or belief any of the papers enquired of in this interrogatory, in any country or on board of any vessel.

32. To the 32d interrogatory he says: There were no papers delivered out of the vessel or carried away in any manner whatsoever, except those delivered to the officer of the Wabash, as I have before stated.

33. To the 33d interrogatory he says: Bulk has not been broken.

112 34. To the 34th interrogatory he says: There was one passenger on board the vessel. His name was G. C. Monro, one of the persons before named. He was not secreted. I believe he is an American. He told me he lived in Rhode Island. He came aboard in Wilmington on the 26th July last, the day we sailed. He had an interest in the cargo. He was part owner I presume. He was destined to Liverpool. I can't say on what business unless it was for the sale of the cargo. There were no other persons aboard except him and the officers and crew before mentioned. I don't know that any person aboard was a resident or citizen of any one of the States and Territories of the United States, then in a state of war or rebellion against United States, its government or laws.

35. To the 35th interrogatory he says: All the papers, bills of lading, &c., &c., on board of the vessel were entirely true and fair and not in any way false or colorable, nor do I know of any matter or circumstance to effect their credit. There was a bill lading which expressed all spirits under deck,

when in fact a portion of them were in the house, and another bill of
113 lading was signed correcting that, and both bills were delivered to the boarding officer. I have no further answer to make to this interrogatory beyond what I have heretofore stated, except that I have made and signed a statement of the seizure before the British consul of this port. In that I stated the circumstances of the seizure as I have stated them on this examination; that statement I believe has been sent to the British minister at Washington. I have no copy of it.

36. To the 36th interrogatory he says: The vessel was steering for Liverpool when taken. Her course was altered a little upon the appearance of the Wabash, but not for the purpose of getting clear of her. This was owing to a small change in the wind. It favored us a little more. The wind was baffling from east to east-southeast. The wind hauled a little more to the eastward after I first saw the steamer. There was but very little wind anyhow. Her course had been at all times, when the wind and weather would permit, directed for Liverpool. She was not sailing wide of her course when taken; she was sailing full and by.

114 37. To the 37th interrogatory he says: The vessel has only been sold once to my knowledge. I don't know by whom she was sold; but she was sold to Mr. Gravely. I heard he bought her, but when or where I don't know. I never heard, nor do I know what was given for her, nor whether the purchase-money has been paid. Mr. Gravely lives in Charleston to the best of my knowledge. I believe Mr. Gravely truly bought the vessel. I believe if the vessel should restored she would belong to Mr. Gravely alone.

38. To the 38th interrogatory he says: There were no guns mounted on board the vessel. We had no arms or ammunition except my revolver. There was nothing on board except her cargo and ship stores; nothing of the kind enquired of in this interrogatory.

39. To the 39th interrogatory he says: I have stated all I know or believe concerning the real and true property and destination of the vessel and cargo at the time of the capture.

40. To the 40th interrogatory he says: The vessel never sailed under convoy to my knowledge or belief.

115 41. To the 41st interrogatory he says: I have already stated all I know or believe concerning the matters enquired of in this interrogatory. The vessel never sailed to or from any blockaded port to my knowledge or belief.

42. To the 42d interrogatory he says: The vessel did not sail on the voyage enquired, carrying a commission or letter of marque and reprisal, or other authority from any person or persons to cruise against the persons or property of citizens of the United States, or to make prizes thereof.

43. To the 43d interrogatory he says: The vessel never to my knowledge sailed in company or concert with any vessel in cruising against, pursuing, or seizing as prize any persons, vessels, or property of citizens of the United States.

HENRY HOLGATE.

116 UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, Edward H. Owen, one of the prize commissioners appointed by the district court of the United States for the southern district of New York, in and for the said district, do hereby certify that the foregoing deposition of Henry Holgate, a witness produced on behalf of the captors, was taken by and under my direction at the time and place mentioned in the caption thereof; that

the same contains the answers of the said witness to the standing interrogatories; that before such examination was commenced the oath directed by the 17th prize rule was by me duly administered to the witness, and he was thereupon afterwards examined seperate and apart from the other witnesses; that such examination was begun, continued, and finished on the same day, and was by me or in my presence, and in the presence of the said witness and under my direction, reduced to writing, and the same having been by me carefully read to him, was by him subscribed in my presence at the close of such examination.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the city of New York, this 15th day of Aug., in the year of our Lord one thousand eight hundred and sixty-one.

[SEAL.] E. H. OWEN, *U. S. Prize Com'r.*

117 District court of the United States for the southern district of New York.

Deposition of George C. Monro, a witness produced, sworn, and examined in preparatorio, on the 19th day of August, in the year eighteen hundred and sixty-one, at 72 Wall street, in said city, on the standing interrogatories established by the district court of the United States for the southern district of New York, the said witness having been produced for the purpose of such examination by E. Delafield Smith, esqr., U. S. dist. att'y, in behalf of the captors of a certain ship or vessel called the Sarah Starr and cargo.

1. To the 1st interrogatory he says: I was born in Newport, Rhode Island, and I now live at that place; I have always lived there except when absent on business. I am married, and my wife and family live at that place. I am a citizen of the United States and owe allegiance to the government thereof.

2. To the 2d interrogatory he says: I was on board of the Sarah Starr at the time of her seizure.

3. To the 3d interrogatory he says: The seizure was made from about 25 to 30—say 30 miles to seaward from Cape Fear Bar, on the coast of
118 North Carolina. This was on the 3d day of August instant, at about 4 o'clock p. m. The vessel was ordered to be taken to New York. She had no commission or letters authorizing her to make prizes. I don't know what reasons or pretence was given for seizing the vessel and cargo. I was not present at the examination of her papers.

4. To the 4th interrogatory he says: The vessel sailed under English colors. I don't know what other colors she had on board; I don't know that she had any.

5. To the 5th interrogatory he says: No resistance was made at the time of the capture. There was one gun fired by the Wabash. The capture was made by the Wabash. There was a steamer in sight at the time. I don't know her name, nor whether she was a ship-of-war. She appeared to be near the Wabash. The Wabash had at the time a schooner in tow on a line astern. The Sarah Starr was a merchantman. The Wabash was a United States steam frigate carrying sixty-six guns.

6. To the 6th interrogatory he says: I don't know whether or not the Wabash had any commission to act in the seizure. She acted as a war vessel belonging to the government of the United States. The Sarah Starr has not yet been condemned.

119 7. To the 7th interrogatory he says: The name of the vessel captured was the Sarah Starr, and her master's name is Harry Holgate—Henry or Harry, I don't know which. He was appointed to the command by the

British vice-consul at Wilmington, North Carolina. He received such appointment at Smithville, thirty miles from Wilmington. I have known the vessel for about three years past, and I have known her captain since about the 20th July last. He took possession of the vessel as master at Smithville, North Carolina, about the 29th July last. The delivery was in this wise: The capt. of the steam-tug Equator brought down the certificate, signed by the British vice-consul above referred to, appointing Holgate master, and handed it to me, and I gave it to Holgate. I don't know where the master lives, nor what is his fixed place of abode. He says, and I believe, he is not married. I think his last place of residence was Charleston. He came from there. I don't know how long he had lived there, but I understood he had recently left a vessel there. I understood from him that he was born in England. I don't know of what countryman he was a citizen, but I have heard him say he was a citizen of the United States.

120 8. To the 8th interrogatory he says: The vessel is about 273 tons burthen, and her ship's company when seized consisted of ten, officers and crew all told, and they were all on board at the time. I have already stated what I know in regard to the citizenship of the master. The other officers and crew were generally foreigners, English, Irish, and French. They all came aboard at Wilmington, North Carolina, with the exception of one man, the 2d mate, who came down on the steam-tug Equator and joined the vessel at Smithville. They were all shipped for that voyage, but came aboard on different days, from about the middle of July to about the 20th of that month, 1861. Four of them were shipped in Charleston, South Carolina, I don't know, but I think by a Mr. Black, a shipping master of that place, whose first name I do not know. Two of these four were what are called British consul men; I don't know what that means. The remainder were shipped in Wilmington, by Williams, a shipping master of that place, under our direction—I mean under the direction of my firm of G. C. & W. J. Munro. I don't know Williams's first name.

9. To the 9th interrogatory he says: I did not belong to the company of the vessel; I was a passenger. I had no interest in the vessel cap-
121 tured at the time of capture, nor had any of the officers or mariners any interest therein. I had an interest in the cargo on board. I had a joint interest with my brother, W. J. Monro, in the entire cargo, except fifty barrels of spirits of turpentine, in which we had no interest whatever. I can't give any estimate of the value of that portion of the cargo belonging to us as it was when captured, but I should say it was worth about twenty thousand dollars.

10. To the 10th interrogatory he says: I have already said that I have known the vessel for about three years past. I first saw her at Fall River, Massachusetts; don't recollect the exact date; some time in the summer of 1858. She carried no guns. She was built in Connecticut. She has always been called the Sarah Starr and by no other name.

11. To the eleventh interrogatory he says: The vessel when taken was bound for Liverpool, England. That voyage began at Wilmington and was to have ended at Liverpool. She had the same lading on board when she first set out on the voyage as she had when taken; it consisted of spirits of turpentine, crude turpentine, rosin, and beeswax; this was all put
122 aboard during the month of July, 1861. There were no goods on board which were contraband of war, or otherwise prohibited by law.

12. To the 12th interrogatory he says: I don't know what is meant by passport or sea-brief, but she had a register from the British consul of Charleston, a clearance from the Confederate custom-house at Wilmington, a British vice-consul's clearance from Wilmington, and military pass from the military authorities there, authorizing her to pass out of that

port; there was also a military permit to pass the fort. The voyage before this commenced at Wilmington, North Carolina, (I don't know the month,) and she went to Havana with a cargo of lumber and some naval stores, and there she discharged her cargo and proceded from thence in ballast to Cardenas, where she took in a full cargo of molasses, on our account, and proceeded therewith for Wilmington, and while crossing Cape Fear Bar she struck and went ashore on the beach and became a wreck; this was some time in March last. She was got off by wreckers and brought to Wilmington, N. C., and discharged. She lay there for some weeks and was finally repaired, and afterwards took on board the cargo in question, and sailed from Wilmington, which was her last clearing, on the 26th July, 1861.

123 13. To the 13th interrogatory he says: I have already stated what lading the vessel had when she sailed and when captured. We had on board, of our own, 1,308 barrels of spirits of turpentine, five or six hundred barrels of crude and rosin; I can't state exactly the quantity nor the proportions, but chiefly rosin, and about 2 or 300 pounds of beeswax; this was besides the fifty barrels of spirits of turpentine before mentioned.

14. To the 14th interrogatory he says: The vessel at the time of capture was owned by Cowlan Graveley. The fifty barrels of turpentine were owned by a man by the name of Evans, and the balance belonged to my firm, as I have before stated. I know that Cowlan Graveley was the owner of the vessel, because I sold her to him through the house of John Frazer & Co., of Charleston, South Carolina. I only know from the bills of lading that the 50 barrels of turpentine belongs to Evans. I was informed that Graveley was a British subject by birth; I believe his wife lives somewhere near Liverpool, England; I saw a letter addressed to her at that place; I know nothing about his residence or how long he has lived where he is; I don't

124 know where he has lived heretofore; I have only known him by reputation for two or three months. Evans resides at Wilmington, North Carolida, or did reside there when he shipped the 50 barrels of spirits of turpentine.

15. To the 15th interrogatory he says: A bill of sale of the vessel was given by me through the above-named house of John Frazer & Co., to the before-named Cowlan Graveley; this was about the 1st July, 1861. The bill of sale was made in Wilmington. N. C., in presence of M. R. Dexter, a resident of that place. I directed the before-named John Frazer & Co. to sell the vessel to a British house, if possible, reserving the right to my firm of shipping the cargo to Liverpool; and I authorized them, if necessary to secure the sale, to offer as an inducement an interest in one quarter of the cargo to be shipped. Such an agreement was made with the purchaser of the vessel, and although he has written through John Frazer & Co. that he would take a quarter interest in the cargo, yet he has not, to my knowledge, paid for such interest. The last I saw of the bill of sale was at Wilmington; I sent it to John Frazer & Co., of Charleston, and have not seen it since.

16. To the 16th interrogatory he says: I have stated that the cargo

125 was put aboard in Wilmington in July, 1861, and the laders were ourselves and Evans. I have already answered the remaining part of this interrogatory.

17. To the 17th interrogatory he says: I don't know how many bills of lading were signed for the cargo. For the cargo shipped by my firm the first set of bills of lading stated that all the spirits of turpentine belonging to us was shipped under deck, whereas 135 barrels thereof was in the house on deck; and we then took out a new set showing accurately where the cargo was stowed, but the two bills of lading did not differ in any respect except as to the place of stowage. I don't believe there were any false or colora-

ble bills of lading on board; there was nothing deceptive about them, and as far as I know there were no bills of lading signed which were different from those on board the vessel when taken.

18. To the 18th interrogatory he says: I have not in my possession, nor were there on board to my knowledge or belief, any bills of lading, papers, or documents of any kind showing my own interest or the interest of any person in the vessel or cargo, except the bills of lading before referred to and the ship's register; I have none of these papers in my possession and
126 cannot produce the same; the bills of lading were in the usual form.

19. To the 19th interrogatory he says: I have stated the month and day whereon the vessel was captured and the place near to which such capture was made; I can't state the latitude or longitude. There was no charter-party for the voyage.

20. To the 20th interrogatory he says: I don't know what papers, bills of lading, letters, or other writings relating to the vessel or cargo were on board when she took her departure from Wilmington, which was her last clearing port before she was captured, but no papers were burnt or in any way destroyed or attempted to be concealed to my knowledge or belief.

21. To the 21st interrogatory he says: I knew at the time and place of capture that the State of North Carolina was in a state of war with the United States, and I presume the master and owners of the vessel and cargo also knew this. I did not know that the naval forces of the United States held the port of Wilmington in a state of blockade, but what the master and owners of vessel and cargo knew upon that subject I know not.

22. To the 22d interrogatory he says: The port of Wilmington was
127 not under an order of blockade at the time the vessel entered that port; she entered that port in March last. No notice was endorsed on the register, or any of the ship's papers, of a blockade before sailing or attempting to sail therefrom.

23. To the 23d interrogatory he says: I don't know that the registry or any ship's paper was shown to or examined by any United States naval or revenue officer before the seizure by the Wabash.

24. To the 24th interrogatory he says: The vessel did not attempt secretly or covertly to sail from Wilmington. There was nothing done under disguise.

25. To the 25th interrogatory he says: The vessel has never been seized before.

26. To the 26th interrogatory he says: I don't know that I have sustained any loss by the seizure of the vessel, unless it be the detention of the cargo and the wasting of the spirits. I don't know how much that may be, nor how to estimate it. I have no indemnity against such loss.

27. To the 27th interrogatory he says: The cargo belonging to my firm was insured. I don't know whether the vessel or the remainder of the cargo was insured or not. We were insured at Liverpool through John Frazer & Co. I don't know the rates of premium nor in what company we were in-
128 sured. I never saw the policy. The insurance was on the voyage before mentioned.

28. To the 28th interrogatory he says that if the vessel had arrived at Liverpool that portion of the cargo shipped by my firm would have belonged to us, and I suppose that shipped by Evans would have belonged to him or his employer, Adams, of Boston.

29. To the 29th interrogatory he says: The cargo was of the growth or produce of North Carolina.

30. To the 30th interrogatory he says: The cargo was all taken on board from the wharf, and some from lighters or flats which came alongside at the port of Wilmington in July last.

31. To the 31st interrogatory he says: There are no papers, bills of lading in any country, to my knowledge or belief, except that the bills of lading for the cargo shipped by me, and which were delivered to me, were sent by by me to John Frazer & Co., Charleston, with an invoice of the cargo, to be by them sent to Liverpool to the consignees of such cargo, and I suppose they have been sent and are there now at Liverpool or on their way. These
129 bills of lading are like those belonging to the ship. I don't know of any difference. They were to the effect that the master would transport and deliver such cargo in Liverpool on payment of freight, dangers of the seas excepted.

32. To the 32d interrogatory he says that no papers were delivered out of the vessel or carried away in any manner howsoever.

33. To the 33d interrogatory he says: Bulk has not been broken since the capture of the vessel.

34. To the 34th interrogatory he says: There was one passenger on board. I was such passenger. I was not secreted. I am a merchant. I had no commission from any one. I went aboard at Wilmington the 26th July last. I was destined to Liverpool. I was going as a passenger on the brig. My object in going out was to have a general supervision of the cargo, and other consignments there which had been made by previous vessels, and to get into a more healthy climate. I had nothing to do with the vessel nor with that portion of the cargo in which I had no interest. There were no other persons aboard besides the ship's company and myself. I don't
130 know that were any persons on board citizens or residents of any State at war with the United States, its government, or its laws.

35. To the 35th interrogatory he says: None of the papers found on board were false or colorable, but were entirely true and fair; and I know of no matter or circumstance to effect their credit. I have written one letter only concerning the capture of the brig Sarah Starr. When I arrived at Baltimore, after the capture, I wrote to the before-named Cowlan Graveley that the brig Sarah Starr had been captured and ordered to New York. I did not keep a copy of the letter. I cannot state the contents of it. That was the purport of it. I have not written or signed any other letters or papers concerning the vessel or her cargo. I sent the letter to Graveley by express, directed to Charleston, and have not seen it since. I did not obtain the permits and passports I have before alluded to. They were obtained by the British vice-consul at Wilmington. I cannot answer this interrogatory any further.

36. To the 36th interrogatory he says: The vessel was sailing when taken towards Liverpool. Her course was not altered to my knowledge upon the appearance of the Wabash. I am not a seafaring man, but I believe
131 she was sailing on her course.

37. To the 37th interrogatory he says: My firm of G. C. & W. J. Monro purchased the vessel about three years ago. The master, C. A. Eddy, owned at that time a portion of her. The master sold out his interest to us after the wreck. After the wreck we abandoned her to the underwriters, and afterwards a compromise of our claim was made and we took the vessel. The underwriters were the Atlantic Mutual Insurance Company, of this city. She was afterwards sold and conveyed to Cowlan Graveley, as I have before stated. The consideration for the sale to Graveley was $10,000. I don't know that it was paid. Neither I nor my firm have yet received it or any part. It was all left with our agents, John Frazer & Co., of Charleston, to settle. The price was a fair value of the vessel. There was no security for the payment of the consideration money to my knowledge. I don't know and have never heard whether John Frazer & Co., took any security or have received the money. I presume they have got the money or its equivalent for I

should not suppose they would have disposed of our vessel without getting the money or its equivalent. That sale to Graveley was truly made and not for the purpose or covering or concealing the real property, and if the vessel is restored I believe she will belong to Graveley and no one else.

132 38. To the 38th interrogatory he says: She had no guns mounted and no ammunition aboard. She had nothing aboard except the cargo before mentioned and her ship stores.

39. To the 39th interrogatory he says: I have already stated all that I know or believe concerning the real and true property and destination of the vessel and cargo, excepting that it is possible that I should say that it was necessary for me to leave North Carolina for the preservation of my health. I had been there about five months on business.

40. To the 40th interrogatory he says: The vessel never sailed under convoy.

41. To the 41st interrogatory he says: I have already said the vessel entered the port of Wilmington in March last, before any blockade of that port was ordered. On the 24th July last, a day or two before we went down the river from Wilmington, there was a flying report at Wilmington that the port of Wilmington was blockaded by a man-of-war steamer belonging to the United States—the steamer Daylight—and that on or about the 22d she had sent a flag of truce to the commandant of the fort (held by the North Carolinians) and notified him that the port was blockaded, and that fifteen days would be allowed for neutral vessels to depart. This is what I

133 heard; this was a current rumor. I did not hear it from the British vice-consul. We sailed from Wilmington on the 26th July last and went down to the bar under steam towage, and lay there until the morning of the 3d of August, waiting for an opportunity to go out. There being so heavy a sea on the bar that we could not get out, the captain thought it imprudent to go to sea. There was no blockading vessel off there from the time we arrived at the bar until we went out. Vessels went in and out while we lay there. I can't name the vessels which so entered and departed.

42. To the 42d interrogatory he says: The vessel had no commission or authority to act as privateer or cruise against persons or property of citizens of the United States.

43. To the 43d interrogatory he says: The vessel never sailed or acted in company with any armed vessel as enquired of.

G. C. MONRO.

135 UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, Edward H. Owen, one of the prize commissioners appointed by the district court of the United States for the southern district of New York, in and for the said district, do hereby certify that the foregoing deposition of George C. Monro, a witness produced on behalf of the captors, was taken by and under my direction at the time and place mentioned in the caption thereof; that the same contains the answers of the said witness to the standing interrogatories; that before such examination was commenced the oath directed by the 17th prize rule was by me duly administered to the witness, and he was thereupon afterwards examined seperate and apart from the other witnesses; that such examination was begun, continued, and finished on the same day, and was by me or in my presence, and in the presence of the said witness and under my direction, reduced to writing, and the same having been by me carefully read to him, was by him subscribed in my presence at the close of such examination.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the city of New York, this 19th day of Aug., in the year of our Lord one thousand eight hundred and sixty-one.

[L. S.] E. H. OWEN, *U. S. Prize Com'r.*

136 Endorsed: U. S. district court. The United States *vs.* the brig Sarah Starr and cargo, taken as a prize. Depositions in preparatorio.

137 UNITED STATES OF AMERICA, *Department (U. S. arms) of State:*

To all to whom these presents shall come, greeting:

I certify that the document hereunto annexed is a true copy from the record in this department.

In testimony whereof, I, William H. Seward, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this twenty-sixth day of October, A. D. 1861, and of the independence of the United States of America the eighty-sixth.

[L. S.] WILLIAM H. SEWARD.

(Copy.)

DEPARTMENT OF STATE, *Washington, 9th May,* 1861.

To Rudolph Schleiden, Esq'r, &c., &c., &c.:

The undersigned, Secretary of State of the United States, has the honor to return to Mr. Schleiden the telegraphic message from Mr. Richard, the acting consul of Bremen at New Orleans, and to state that the
138 Bremen barque referred to therein will, like other merchant vessels in port at the time the blockade shall actually commence, be allowed fifteen days for loading and departing. It is presumed the blockade has not yet commenced.

The undersigned offers to Mr. Schleiden renewed assurances of his high consideration.

WILLIAM H. SEWARD.

Endorsed: Copy despatch from Secretary of State to minister of Bremen. Sarah Starr, &c., *ads.* U. S. of A. Copy despatch to Bremen minister.

It is consented that this copy be handed in to Judge Betts in place of the copy certified by the State Department.

E. DELAFIELD SMITH *U. S. Att'y.*
S. L. W., *Ass't.*

139 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms, in the city of New York, on Tuesday, the 21st day of January, in the year of our Lord one thousand eight hundred and sixty-two.

Present: The Honorable Samuel R. Betts, district judge.

UNITED STATES OF AMERICA, &c.,
vs.
THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO. } In prize. 16, 391.

This cause having been brought to a hearing upon the pleadings filed therein, and the testimony taken in preparatorio, and the papers and documents found on board the prize when captured, and the premises and arguments of the advocates for the respective parties having been duly considered, and it having been found by the court, first, that the property in the

libel set forth was lawfully captured, and that the same and each and every part and portion thereof were at the time of capture enemy property, and subject to condemnation and forfeiture to the libellants as such; and second, that the master and owners of the brig Sarah Starr and of her cargo had notice and knowledge at the time of her egress from the port of Wilmington, North Carolina, that such port was in a state of blockade by the ships-of-war of the United States, but that it does not appear by the proofs
140 that such blockade was efficiently supported and enforced on the part of the government, and that it does not appear that it was imposed fifteen days prior to the departure of the said vessel from the said port, and that in these points the libellants should be allowed to furnish further proofs on giving ten days' previous notice to the proctors for the claimants:

Now, therefore, on motion of E. Delafield Smith, district attorney of the United States, proctor for the libellants, the United States and captors, it is ordered by the court, first, that a judgment and decree be entered declaring that the brig Sarah Starr, her tackle, apparel, and furniture, together with the cargo laden on board at the time of capture, and every part and portion thereof were, at the time of their capture, enemy property and subject to condemnation and forfeiture to the libellants as such.

And it is further ordered, adjudged, and decreed that the libellants have leave to furnish further proofs as to the efficiency of the blockade of the port of Wilmington, North Carolina, and the time it was set on foot by the government, on their giving ten days' previous notice to the proctors for the claimants; and that the claimants be allowed to offer counteracting proofs thereto at the same time, such notice to be served within ten days from the entry of this decree, and unless such further proofs be offered in the part of the libellants, or if its insufficiency be adjudged by the court, then it is ordered that a final decree be entered in favor of the libel-
141 lants for the condemnation and forfeiture of the said brig Sarah Starr and her cargo as enemy property, and in favor of the claimants, acquitting the said vessel of the charge of having violated the blockade aforesaid in leaving the said port of Wilmington, North Carolina.

And it is further ordered and decreed that unless an appeal be taken to this decree within the time limited and prescribed by the rules and practice of this court, the clerk issue a writ of venditioni exponas to the marshal of the district, upon the above decree, against the vessel and cargo, to be acted upon, executed, and returned by him according to the course of procedure of the court in admiralty and the provisions of law.

SAM'L R. BETTS.

Endorsed: 16, 891. In prize. United States district court for the southern district of New York. The United States of America, &c., *vs.* the brig Sarah Starr, her tackle, &c., and cargo. E. Delafield Smith, proctor for the United States, libellants.

Decree settled as altered Jan'y 21, 1862.

SAM'L R. BETTS.

Filed 21st January, 1862.

142 U. S. district court, southern district of New York.

THE UNITED STATES
vs.
THE BRIG SARAH STARR, &C., AND HER CARGO.

SIRS: Please take notice that on the affidavit of which copies are herewith served upon you, I shall move on Tuesday next, the eleventh of February

instant, at eleven o'clock in the forenoon, or as soon thereafter as counsel can be heard before Hon. Samuel R. Betts, judge of the U. S. district court, for an order directing the appraisements and sale of the cargo herein, or for such and further order as to the court shall seem just and proper.

New York, Feb'y 7, 1862.

Yours, &c.,

E. DELAFIELD SMITH, *U. S. Dist. Att'y.*

To CHARLES EDWARDS, Esq.
B. CUTTING, Esq.

143 U. S. district court.

THE UNITED STATES
vs.
THE BRIG SARAH STARR, &C., AND HER CARGO.

SOUTHERN DISTRICT OF NEW YORK,
City and County of New York, ss:

Jacob H. Hedenberg, of said district, being duly sworn, says that he is the proprietor of the Phenix yard, a depot for the storage of naval stores at the foot of Baltic and Harrison streets, in the city of Brooklyn; that he has been in the business of storing naval stores for the past four years, and that his depot is the largest one in either New York City or Brooklyn for the storage of naval stores; that deponent is well acquainted with the character of spirits of turpentine, their manner of treatment, and understand what is needed for their preservation; that spirits of turpentine are very volatile in their nature, and unless kept in well coopered glue-lined barrels are subject to great loss by evaporation and leakage; that they should be turned into fresh glue-lined barrels at least once in each four months; that warm weather or wet weather, whether cold or warm, effects the barrels and causes
144 the barrels to swell and leak. Wet weather, in deponent's judgment, is more dangerous to spirits than warm, by reason of this swelling of the barrels. Deponent is acquainted with the cargo of the brig Sarah Starr, which consists of spirits of turpentine, crude turpentine, and rosin, mostly spirits of turpentine; that this cargo was unladen from the vessel, and stored at deponent's warehouse in the early part of last September, and was immediately thereafter into such re-glued barrels; that said spirits are now sweating, and need an immediate and thorough overhauling to prevent great and serious leakage and loss; that the expense of turning into new barrels, the cost of labor, &c., would amount to seven hundred dollars, and that this estimate does not include the loss of the spirits necessarily attendant upon the turning from one set of barrels to another, and that this expense and loss must be renewed every four months.

Deponent further says that from his general acquaintance as merchant and storekeeper with spirits of turpentine and turpentine and rosin, and from his personal careful examination of the cargo of the Sarah Starr, he verily believes that an immediate sale of the same is absolutely required for its preservation and for the best interests of all concerned.

JACOB H. HEDENBERG.

Sworn to before me this 7th of Feb'y 1862.

STEWART L. WOODFORD,
Notary Public, New York City.

145 U. S. district court.

THE UNITED STATES
vs.
THE BRIG SARAH STARR AND HER CARGO.

SOUTHERN DISTRICT OF NEW YORK,
City and County of New York, ss:

William E. Robertson, of said district, being duly sworn, says that he is general clerk for Jacob H. Hedenberg at the Phenix yard, Brooklyn; that he has been so employed for about one year, and that he was engaged in selling naval stores for one year previous thereto; that he is well acquainted with the character of spirits of turpentine and crude turpentine; that he is acquainted with the actual condition of the cargo of the Sarah Starr; that he has read the annexed affidavit of said Hedenberg in this behalf made, and knows from his own personal knowledge that the statement therein contained as to the treatment of spirits of turpentine, as to the present condition of the cargo herein, and as to the necessity and advisability of an immediate sale are each in all respects true.

WILL. E. ROBERTSON.

Sworn to before me this 7th day of February, 1862.
STEWART L. WOODFORD,
Notary Public, New York City.

146 SOUTHERN DISTRICT OF NEW YORK,
City and County of New York, ss:

Ernest P. Brook, being duly sworn, says that on the eighth instant, at said city, he served a notice, of which the within is a copy, and copies of the within affidavits of Jacob H. Hedenberg and William E. Robertson on Charles Edwards, esq., proctor, &c., herein, by delivering to and leaving the same with a person in charge of and thus being in the office of said Charles Edwards, esqr., he being absent therefrom at the time of such service.

ERNEST P. BROOK.

Sworn to before me this 10th day of February, 1862.
A. C. WILMARTH, *Notary Public.*

Endorsed: 16, 391, 577. U. S. district court. The United States *vs.* the brig Sarah Starr and cargo. Affidavit and notice of motion. E. Delafield Smith, U. S. dist. att'y.

Due service of a copy of within affidavits and notice of motion is hereby admitted.
New York, Feb'y 8th, 1862.

B. CUTTING, *Proctor, &c.*

Filed 11th Feb'y, 1862.

147 United States district court southern district of New York.

THE SARAH STARR AND HER CARGO
ads.
THE UNITED STATES OF AMERICA.

SOUTHERN DISTRICT, *ss:*

Charles Edwards, proctor for claimant of the above vessel, and who also claims an interest in her cargo, being sworn, maketh oath and saith that the interlocutory decree which condemned the said vessel and cargo was entered on the twenty-first day of January, 1862, and the ten days allowed to libellants

to produce further proof of alleged blockade expired on the thirty-first day of the same January, without any such proof having been given, so that the decree in fact has become an absolute one, and the parties interested have a present right to appeal, which they desire to take, but the libellants have not used diligence in filing the decree ratifying the former one.

That the master of the above vessel was bound under bill of lading to deliver the said cargo at Liverpool, and it is insisted that he ought to have that duty and right open to him in case an appeal should succeed, and
148 so that his right to freight may attach to and become connected with his delivery of the cargo at the port of its destination.

And this deponent believes that on an appeal to the circuit court, the claimants would be allowed to bond the cargo; and he has had it intimated to him that probably Justice Nelson will be in circuit here soon after he can get from the present sitting of the Supreme Court, in order to dispose of prize cases, on account of the delay of the United States in bringing on cases on appeal in the Supreme Court in prize.

CHAS. EDWARDS.

Sworn to at the city of New York, this eleventh day of February, 1862, before me.

A. O. SALTER, *Notary Public, New York City.*

Endorsed: U S. district court. 16, 391, 577. The Sarah Starr and her cargo *ads.* the United States. Aff't to oppose motion made for appraisemet and sale of cargo, &c.

CHARLES EDWARDS,
Proctor for Claimants of Vessel, &c.

Filed 11th Feb'y, 1862.

149 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms, in the city of New York, on Thursday, the thirteenth day of February, in the year of our Lord one thousand eight hundred and sixty-two.

Present: The Honorable Samuel R. Betts, district judge.

THE UNITED STATES AND CAPTORS
vs.
THE BRIG SARAH STARR AND CARGO. } In prize, 16, 191. 577.

A motion upon affidavit and written notice served on the proctors of the claimants of the cargo in this suit, was made by the United States attorney for an order directing the appraisement and sale of the cargo of the said vessel captured as prize, upon proofs made by the affidavits of the proprietor of the warehouse, and the clerk of the said depot in which the aforesaid cargo had been placed in storage since September last, stating that they are acquainted with the cargo and its present condition, and that it consists of spirits of turpentine, crude turpentine, and rosin, but chiefly turpentine; that the spirits of turpentine are now sweating and need immediate and thorough overhauling to prevent great and serious loss and leakage; that the expense of securing it from such wastage would amount to $700, and that such loss and expense must be sustained every four months, and in
150 their opinion an immediate sale of the cargo is requisite for its preservation and for the best interests of all concerned.

The proctor for the claimants to three fourths parts of the cargo appeared upon the said notice, and declined to give assent to the proposed sale of the cargo, but interposed no objections thereto. The proctor for the claimant

of one fourth part, and who also claims one indeterminate interest in the whole cargo and the ownership of the vessel, filed his own affidavit and opposed the motion, upon the grounds that the libellants have improperly delayed perfecting the interlocutory decree of condemnation rendered by the court in the suit into a final decree, which would have enabled such claimant to appeal the suit to the circuit court, which he intends to do; and the deponent alleges that he believes on appeal to that court the claimants would be allowed to bond the cargo; and as a further reason he stated "he had had it intimated to him that probably Justice Nelson will be in circuit here soon after he can get from the present sitting of the Supreme Court, in order to dispose of prize cases, on account of the delay of the United States in bringing on cases on appeal in the Supreme Court in prize."

On the motion no application was made by either of the claimants to bond the said cargo, although enquired of by the court whether they desired to do so.

And it being considered by the court that the facts in proof showed an urgent necessity for the interposition of some proper authority to secure the value of the property under arrest and condemnation during the pendency of further proceedings in court to determine its legal ownership; and it
151 further appearing to the court that by the clear provisions of law and of prize proceedings, and by the positive rules of admiralty and prize practice in this court and of the circuit court in this district, and the Supreme Court of the United States, it is the incumbent and necessary province of the court to cause, on proper applications and proof, perishing or perishable property arrested and detained in court for trial and judgment, "to be exposed to public sale, and the proceeds thereof or the value thereof in money, deposited by the claimant, to be brought into court to abide the event of the suit."

And it further appearing to the court that for the purpose of retaining the jurisdiction and authority of this court (or the circuit court, to which the proceedings go on appeal) over such proceeds, it is necessary that the same be deposited in the registry of the court in order to fulfil decrees of restoration of the same to a claimant, or to enforce other equitable and necessary orders respecting such funds; and because if such sale is made under execution by the marshal of the United States, that he is required by law to pay the same into the treasury of the United States, where they would be out of the control of judicial authority: It is therefore, because of the premises, considered by the court, and ordered and decreed that the commis-
152 sioners of prize appointed for this port cause the said cargo to be duly appraised according to law, and to be sold at public auction after six days' previous notice of such sale, by public notice and advertisement being given, and that they forthwith deposit the proceeds of such sale in the registry of the court, and make due return under oath of the necessary expenses and disbursements incurred by them in procuring and conducting such sale and deposite; and that no more than the allowance of compensation for such doings be made to the commissioners therefor if made jointly, than if the same were performed by one of them.

SAM'L R. BETTS.

Endorsed: 16, 391, 577. In prize. U. S. district court. The United States and captors, *vs.* the brig Sarah Starr, &c., and cargo. Order for appraisement and sale of cargo.

Filed 13th Feb'y, 1862.

153 United States district court, southern district of New York, in admiralty.

THE UNITED STATES, &c.,
vs.
THE BRIG SARAH STARR AND HER CARGO.

I, the undersigned, having been duly appointed and sworn as appraiser, to appraise the value of the cargo of the brig Sarah Starr, consisting of spirits of turpentine, do report that the cargo consists of—

1,191 bbls. spirits turpentine, 47,640 galls., at $1 20	$57,168 00
131 bbls. crude turpentine, at $8 per bbl	1,048 00
420 bbls. rosin, good, fine, and very fine, at $7 50	3,150 00
298 lbs. beeswax, at 34	102 32
1 box hardware	3 00
	61,471 32

And do find that the said cargo is worth the sum of sixty-one thousand four hundred and seventy-one 32-100 dollars.

Dated New York, Feb'y 19th, 1862.

All which is respectfully submitted.

C. H. MARSHALL.

Endorsed: In prize, vol. 16, No. 391. United States district court, southern district of New York, in admiralty. The United States, &c., *vs.* the brig Sarah Starr, &c., and her cargo. Appraiser's report, (cargo.)

Filed Feb'y 20th, 1862.

155 At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court-rooms, in the city of New York, on Thursday, the twenty-seventh day of March, in the year of our Lord one thousand eight hundred and sixty-two.

Present: The Honorable Samuel R. Betts, district judge.

THE UNITED STATES OF AMERICA AND CAPTORS
vs.
THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO. } In prize. 16, 391.

The time allowed in the interlucutory decree for libellants to furnish further proofs as to the efficiency of the blockade of the port of Wilmington, North Carolina, and the time it was set on foot by the government, and of the giving notice of furnishing same having expired, on motion of advocate it is ordered, adjudged, and decreed that the brig Sarah Starr, her tackle, apparel, and furniture, together with her cargo laden on board at the time of capture, and every part and portion thereof were at the time of their capture enemy property, and the same is and are by this final decree condemned and forfeited to the libellants as such. But it is also adjudged and decreed that the said vessel be, and is hereby, acquitted of the charge of having violated the blockade aforesaid in leaving such port of Wilmington, North Carolina.

156 And it is further ordered that unless an appeal be taken to this final decree within the time limited and prescribed by the rules of this court, that the clerk issue a writ of venditioni exponas to the marshal of this district upon the above decree against the vessel and cargo, to be acted upon, executed, and returned by him according to the course of proceedure of the court in admiralty and the provisions of law.

SAM'L R. BETTS.

Endorsed: In prize, vol. 16, No. 391. United States district court for the southern district of New York. The United States, &c, vs. the brig Sarah Starr, &c., and cargo. E. Delafield Smith, proctor for U. S., libellants. Final decree, cond'n of vessel and cargo as enemy property, &c.
Filed the 27th day of March, 1862.

157 United States district court for the southern district of New York.

THE BRIG SARAH STARR, HER TACKLE, APPAREL, AND furniture and cargo,
ads.
THE UNITED STATES OF AMERICA.

SIR: The claimant, Cowlan Graveley, intends to appeal from the decrees, interlocutory and final, herein, as condemn the above vessel and cargo as enemy property.
New York, 29th March, 1862.
Yours, &c., CHARLES EDWARDS,
Proctor for Claimant.
To GEORGE F. BETTS, Esq., *Clerk of the above Court.*
To E. DELAFIELD SMITH, Esq.,
U. S. Dist. Att'y for the Southern Dist. of New York.

Endorsed: 16, 391. U. S. dist. court, southern dist. of N. Y. The brig Sarah Starr, &c., &c., *ads.* the U. S. of America. Notice of intention to appeal. Chas. Edwards, proc'r for cl'm't. To Geo. F. Betts, esq.
Filed 31st March, 1862.

158 U. S. district court, southern district of New York.

THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO, George C. Monro and William J. Munro, claimants and appellants,
ads.
THE UNITED STATES, &c., libellants and respondents.

You will hereby take notice that George C. Monro and William J. Monro, claimants of the cargo of the brig Sarah Starr, appeal to the circuit court of the United States for the southern district of New York from that part of the final decree entered in this cause in the United States district court for the southern district of New York which orders, adjudges, and decrees that the cargo laden on board the said brig Sarah Starr at the time of capture, and every part and portion thereof, was at the time of the capture thereof enemy's property, and as such condemned and forfeited to the libellants.
New York, March 28th, 1862.
Yours, &c., B. CUTTING,
Proctor for G. C. & W. J. Monro, Cl'm'ts and App'l'ts.
To E. DELAFIELD SMITH, Esq., *U. S. Dist. Att'y.*
GEORGE F. BETTS, *Clerk.*

159 Endorsed: In prize. 16, 391, 577. U. S. district court. The United States, &c., *vs.* the brig Sarah Starr, &c., and cargo. G. C. & W. J. Munro, cl'm'ts of cargo. Notice of appeal. B. Cutting, p'r app'l'ts (cargo.) To George F. Betts, esq., clerk.
Filed 28th March, 1862.

I admit due service of a notice of which the within is a copy.
New York, March 28th 1862.
ETHAN ALLEN, *Ass't U. S. Dist. Att'y.*

160 Circuit court of the United States for the southern district of New York, in prize.

THE BRIG SARAH STARR, HER TACKLE, APPAREL, AND furniture, and the goods, wares, and merchandise laden on board the said brig, appellants,
ads.
THE UNITED STATES OF AMERICA, respondents.

The appeal of Cowlan Graveley, of Halton Dial, Yorkshire, England, merchant, and also George C. Monro and William J. Monro, of Newport, Rhode Island, respectfully sheweth:

That on or about the fourteenth day of August, 1861, a libel was filed herein in the district court of the United States for the southern district of New York, by the United States against the brig Sarah Starr, her tackle, apparel, and furniture and her cargo laden on board, alleging that the above vessel and cargo found on board were, on or about the third day of August, 1861, captured by the United States vessel-of-war the Wabash, Samuel Mercer commanding, in the Atlantic Ocean, near Wilmington, North Carolina, while bound to Liverpool, England, and that the same had been
161 brought into the port of New York as lawful prize, and praying that the said brig Sarah Starr, her tackle, apparel, and furniture and the goods, wares, and merchandise laden therein might be condemned by the decree of the said district court as forfeited and adjudged to be lawful prize, to be disposed and distributed according to law.

That on or about the third day of September, 1861, a claim and answer by Edward M. Archibald, esq., her Britannic majesty's consul for the port of New York, and Henry Holgate, master of the said vessel, were interposed, wherein and whereby they intervened and claimed for the interest of this claimant, Cowlan Gravely, a British subject, at that time out of the jurisdiction of the court, and for the mercantile house of Frazer, Trenholm & Company, of number ten Rumford Place, Liverpool, England, such house being composed of British subjects, and claiming the whole of the said brig Sarah Starr, her tackle, apparel, and furniture as the sole property of this appellant, Cowlan Graveley, and also certain fifty barrels of spirits of turpentine as the property of the said Frazer, Trenholm & Company, and also claimed for this appellant, Cowlan Graveley, such rights in so much of the balance of the cargo as he might be entitled to after he should have paid for and
162 accounted with these other appellants and claimants, George C. and William J. Monro, therefor, and insisting that the capture was an unlawful capture, and claiming restoration with costs and charges. That on or about the eighth day of October, 1861, the claim and answer of this appellant, Cowlan Graveley, was interposed, wherein and whereby he claimed he was sole owner of the said brig Sarah Starr, her tackle, apparel, and furniture, and also having rights in one fourth of her cargo; also therein denying that the said vessel and cargo, or either of them, was or were lawful prize, and insisting that she was wrongfully seized and captured, and claiming restitution thereof, with all losses, charges, demurrage, and expenses, fees and costs as had arisen, or should or might arise by reason of the seizure and capture aforesaid. That on or about the eighteenth day of September, 1861, these appellants, George C. Monro and William J. Monro, interposed their claim and answer, wherein and whereby they claimed, among other things, that they were owners of the said cargo of the said brig Sarah Starr, with the exception of fifty barrels of spirits of turpentine shipped by David Evans; that the capture aforesaid was an unlawful capture, and that the said brig and cargo had been wrongfully and illegally brought into the port of New York, and they denied that any part of the said cargo

163 so claimed by them had been or was forfeited to the United States, and they claimed restoration thereof with costs and charges. That the cause came on to be heard before the Hon. Samuel R. Betts, judge of the district court, on or about the thirty-first day of October, 1861, upon the pleadings, depositions in preparatorio and ship's papers, and the said judge having advised thereon, he on the twenty-first day of January thereafter, (1862,) made an interlocutory decree or sentence in the said cause, inter alia, that the property in the libel set forth was lawfully captured, and that the same, and each and every part and portion thereof, were at the time of capture enemy property and subject to condemnation and forfeited to the libellants as such; and second, that the master and owners of the said brig Sarah Starr and of her cargo had notice or knowledge at the time of her egress from the port of Wilmington that such port was in a state of blockade by the ships-of-war of the United States, but that it did not appear by the proofs that such blockade was sufficiently supported and enforced on the part of government, and that it did not appear that it was imposed fifteen days prior to the departure of the said vessel from such port, and that in these points the libellants should be allowed to furnish further proofs on giving ten days' previous notice to the proctors for the claimants. And it was ordered (therein) that a judgment and decree be entered declaring that

164 the said brig Sarah Starr, her tackle, apparel, and furniture, together with the cargo laden on board at the time of capture, were at the time of their capture enemy property and subject to condemnation and forfeiture to the libellants as such. Also, it was therein adjudged and decreed that the libellants have leave to furnish further proofs as to the efficiency of the blockade of the port of Wilmington, North Carolina, and the time it was set on foot by the government on their giving ten days' previous notice to the proctors for the claimants, and that the latter be allowed to offer counteracting proofs thereto at the same time, such notice to be served within ten days from the entry of such decree; and unless such further proofs should be offered on the part of the libellants, or if its insufficiency be adjudged by the court, then it was (therein) ordered that a final decree be entered in favor of the libellants for the condemnation and forfeiture of the said brig Sarah Starr and her cargo as enemy property, and in favor of the claimants, acquitting the said vessel of the charge of having violated the blockade aforesaid in leaving the said port of Wilmington, North Carolina; also, that unless an appeal be taken to such final decree, or either of them, within the time limited by the rules, that the clerk issue a writ of venditioni exponas against the vessel and cargo. That the libellants did not give such ten days' notice of furnishing further proofs as to the efficacy of blockade of the port of Wilmington, North Carolina, nor furnish any such proofs. That after the time

165 within which the said libellants were to give such notice and furnish such further proofs, and on or about the twenty-seventh day of March, 1862, the said district judge made a final decree or sentence in the said cause, inter alia, that the said brig Sarah Starr, her tackle, apparel, and furniture, together with her cargo laden on board at the time of capture, were at the time of their capture enemy property, and the same was and were by that final decree condemned and forfeited to the libellants as such; also, it was adjudged and decreed that the said vessel be, and she thereby was, acquitted of the charge of having violated the blockade aforesaid in leaving such port of Wilmington, North Carolina; also, that unless an appeal should be taken to such final decree within the time limited and prescribed by the rules, that the clerk issue a writ of venditioni exponas to the marshal against the vessel and cargo.

And these appellants are advised and insist that the said interlocutory decree and final decree are and each of them is erroneous, the said appellant Cowlan Graveley being more particularly advised and insisting that they are erroneous in decreeing the said vessel, her tackle, apparel, and furniture and her cargo are enemy's property, and the said appellants George C. Monro & William J. Monro being more particularly advised and insisting that they are erroneous in decreeing the said cargo of the said vessel is enemy's property.

166 And these appellants respectively, for these and other reasons, appeal from the said decrees as condemns the said vessel and condemns the said cargo as enemy's property to the next circuit court to be held in the said district, and on the said appeal they intend to have the cause heard anew only on the same pleadings and the said depositions and papers, and they pray that the records and proceedings may be returned to the said circuit court, and that such interlocutory and such final decree may be reversed with costs, or such other decree thereupon be made as to the said circuit court shall seem just, and that the said appellees be, or the captors be, condemned to pay to these appellants their costs and damages in the premises.

CHARLES EDWARDS,
Proctor and Advocate for Appellant Cowlan Graveley.
B. CUTTING,
Proctor and Advocate for Appellants George C. Monro and William J. Monro.

Endorsed: Circuit court of the United States for the southern district of New York. 16, 391. In prize. The brig Sarah Starr, &c., &c., &c., appellants, and United States of America, respondents. Appeal. Charles
167 Edwards, proctor for Cowlan Graveley, cl'm't of vessel. Brockholst Cutting, proctor for Messrs. G. C. & W. J. Monro, cl'm'ts of cargo.

I hereby admit due service of a copy of the within appeal.
E. DELAFIELD SMITH, *U. S. Dist. Att'y,*
By S. L. W., *Ass't.*
Filed 31st March, 1862.

168 Circuit court of the United States of America for the southern district of New York, in the second circuit.

THE UNITED STATES OF AMERICA AND CAPTORS IN INTEREST, libellants,
vs.
THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO, Cowlan Graveley, claimant of vessel, Geo. C. & W J. Munro, claimants of cargo, appellants.
} Bond for costs on appeal, vessel and cargo.

Know all men by these presents that we, Corn's V. A. Schuyler and Charles Edwards, are held and firmly bound unto the above-named libellants and appellees in the sum of five hundred dollars, to be paid to the said libellants, for the payment of which, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the second day of April, in the year of our Lord one thousand eight hundred and sixty-two.

Whereas the above-named claimants have prosecuted an appeal to the circuit court of the United States for the southern district of New York, in the second circuit, to reverse the decree rendered in the above-entitled suit by the judge of the district court of the United States for the southern district of New York:

Now, therefore, the condition of this obligation is such that if the above named claimants shall prosecute their appeal to effect and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void; otherwise, the same shall be and remain in full force and virtue.

[L. S.] CORN'S V. A. SCHUYLER.
[L. S.] CHARLES EDWARDS.

Sealed and delivered, and taken and acknowledged, this 2nd day of April, 1862, before me.

JOHN A. OSBORN.

169 UNITED STATES OF AMERICA,
Southern District of New York, ss:

Cornelius V. A. Schuyler and Charles Edwards, each being duly sworn, doth depose and say that he resides in the city of New York, and that he is worth the sum of five hundred dollars over and above his just debts and liabilities.

CORN'S V. A. SCHUYLER.
CHARLES EDWARDS.

Sworn to this second day of April, A. D. 1862, before me.
JOHN A. OSBORN, *U. S. Com'r.*

Filed 2d day of April, 1862.

170 At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the City Hall, in the city of New York, on Wednesday, the 14 day of May, in the year of our Lord one thousand eight hundred and sixty-two.

Present: The Honorable Samuel Nelson, associate justice of the Supreme Court of the United States.

THE UNITED STATES, libellant and appellee,
v.
THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO, resp'd't and appellant.

The appeal in this case from the decree of the district court coming on to be heard, Mr. Evarts read from the apostles on the part of the libellant and appellees. Mr. Edwards, cl'm't and appellant. Mr. O'Conor argues on part of app'l'nts.

171 At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the City Hall, in the city of New York, on Thursday, the 15 day of May, in the year of our Lord one thousand eight hundred and sixty-two.

Present: The Honorable Samuel Nelson, associate justice of the Supreme Court United States.

THE UNITED STATES, lib'l'nt and appellee,
v.
THE BRIG SARAH STARR, &C., resp'd't and appellant.

This cause being still on hearing, Mr. O'Connor concludes his argument. Mr. Evarts is heard on part of appellee.

C. A. V.

And these appellants are advised and insist that the said interlocutory decree and final decree are and each of them is erroneous, the said appellant Cowlan Graveley being more particularly advised and insisting that they are erroneous in decreeing the said vessel, her tackle, apparel, and furniture and her cargo are enemy's property, and the said appellants George C. Monro & William J. Monro being more particularly advised and insisting that they are erroneous in decreeing the said cargo of the said vessel is enemy's property.

166 And these appellants respectively, for these and other reasons, appeal from the said decrees as condemns the said vessel and condemns the said cargo as enemy's property to the next circuit court to be held in the said district, and on the said appeal they intend to have the cause heard anew only on the same pleadings and the said depositions and papers, and they pray that the records and proceedings may be returned to the said circuit court, and that such interlocutory and such final decree may be reversed with costs, or such other decree thereupon be made as to the said circuit court shall seem just, and that the said appellees be, or the captors be, condemned to pay to these appellants their costs and damages in the premises.

CHARLES EDWARDS,
Proctor and Advocate for Appellant Cowlan Graveley.
B. CUTTING,
Proctor and Advocate for Appellants George C. Monro and William J. Monro.

Endorsed: Circuit court of the United States for the southern district of New York. 16, 391. In prize. The brig Sarah Starr, &c., &c., &c., appellants, and United States of America, respondents. Appeal. Charles
167 Edwards, proctor for Cowlan Graveley, cl'm't of vessel. Brockholst Cutting, proctor for Messrs. G. C. & W. J. Monro, cl'm'ts of cargo.

I hereby admit due service of a copy of the within appeal.
E. DELAFIELD SMITH, *U. S. Dist. Att'y,*
By S. L. W., *Ass't.*

Filed 31st March, 1862.

168 Circuit court of the United States of America for the southern district of New York, in the second circuit.

THE UNITED STATES OF AMERICA AND CAPTORS IN INTEREST, libellants,
vs.
THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO, Cowlan Graveley, claimant of vessel, Geo. C. & W J. Munro, claimants of cargo, appellants.

Bond for costs on appeal, vessel and cargo.

Know all men by these presents that we, Corn's V. A. Schuyler and Charles Edwards, are held and firmly bound unto the above-named libellants and appellees in the sum of five hundred dollars, to be paid to the said libellants, for the payment of which, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the second day of April, in the year of our Lord one thousand eight hundred and sixty-two.

Whereas the above-named claimants have prosecuted an appeal to the circuit court of the United States for the southern district of New York, in the second circuit, to reverse the decree rendered in the above-entitled suit by the judge of the district court of the United States for the southern district of New York:

Now, therefore, the condition of this obligation is such that if the above named claimants shall prosecute their appeal to effect and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void; otherwise, the same shall be and remain in full force and virtue.

[L. S.] CORN'S V. A. SCHUYLER.
[L. S.] CHARLES EDWARDS.

Sealed and delivered, and taken and acknowledged, this 2nd day of April, 1862, before me.

JOHN A. OSBORN.

169 UNITED STATES OF AMERICA,
Southern District of New York, ss:

Cornelius V. A. Schuyler and Charles Edwards, each being duly sworn, doth depose and say that he resides in the city of New York, and that he is worth the sum of five hundred dollars over and above his just debts and liabilities.

CORN'S V. A. SCHUYLER.
CHARLES EDWARDS.

Sworn to this second day of April, A. D. 1862, before me.
JOHN A. OSBORN, *U. S. Com'r.*

Filed 2d day of April, 1862.

170 At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the City Hall, in the city of New York, on Wednesday, the 14 day of May, in the year of our Lord one thousand eight hundred and sixty-two.

Present: The Honorable Samuel Nelson, associate justice of the Supreme Court of the United States.

THE UNITED STATES, libellant and appellee,
v.
THE BRIG SARAH STARR, HER TACKLE, &C., AND CARGO, resp'd't and appellant.

The appeal in this case from the decree of the district court coming on to be heard, Mr. Evarts read from the apostles on the part of the libellant and appellees. Mr. Edwards, cl'm't and appellant. Mr. O'Conor argues on part of app'l'nts.

171 At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the City Hall, in the city of New York, on Thursday, the 15 day of May, in the year of our Lord one thousand eight hundred and sixty-two.

Present: The Honorable Samuel Nelson, associate justice of the Supreme Court United States.

THE UNITED STATES, lib'l'nt and appellee,
v.
THE BRIG SARAH STARR, &C., resp'd't and appellant.

This cause being still on hearing, Mr. O'Connor concludes his argument. Mr. Evarts is heard on part of appellee.

C. A. V.

172 At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the City Hall, in the city of New York, on Friday, the fourth day of December, in the year of our Lord one thousand eight hundred and sixty-three.

Present: The Honorable Samuel Nelson, an associate justice of the Supreme Court of the United States.

THE UNITED STATES, libellants and appellants,
vs.
THE BRIG SARAH STARR, HER TACKLE, &C., AND cargo, the claimants and appellants.

This cause having been heard on appeal from the decree of the district court for said district, and counsel for the respective parties having been heard and due deliberation being had in the premises, now, on motion of B. Cutting, esq., it is ordered, adjudged, and decreed by the court that so much of the decree of the said district court as condemns and forfeits to the United States as lawful prize of war that portion of said cargo claimed by George C. Monro and William J. Monro be, and the same is hereby, reversed.

And it appearing by the record that the cargo of said vessel has been heretofore sold, it is further ordered that it be referred to the clerk of this court to ascertain and report the amount for which the property of said claimants Monro sold, together with actual expense of the sale thereof.

173 And on motion of E. Delafield Smith, attorney of the United States for said district, it is further ordered, adjudged, and decreed that the residue of the decree of the said district court be, and the same is hereby, affirmed.

And the said brig having been heretofore bonded in the appraised value of $2,000 by James Foster, jr., and Clinton Foster, on motion of said attorney, it is further ordered that the said James Foster, jr., and Clinton Foster cause their stipulations to be fulfilled and pay into the registry of the court the said sum of two thsusand dollars to abide the further order of the court.

And it is further ordered, adjudged, and decreed that the costs and disbursements herein be adjusted and paid according to law; that unless an appeal be taken from this decree within the time limited by law, the prize commissioners shall proceed, under the direction of the court, as soon as possible after the entry of this decree, to take the requisite evidence and report the same to the court, to the end that a final decree may be made herein determining what public ships of the United States are entitled to share in the prize, and whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture.

S. NELSON.

174 Filed Dec'r 5, 1863.

175 United States circuit court for the southern district of New York, second circuit, in prize.

THE UNITED STATES, respondent,
against
THE BRIG SARAH STARR, HER TACKLE, APPAREL, FURNITURE, &c., Cowlam Gravely, British subject and claimant of vessel, her tackle, apparel, and furniture. } In prize.

GENTS: Please to take notice that the above-named claimant appeals to the Supreme Court of the United States from that part of the final decree of

the circuit court of the United States for the southern district of New York, second circuit, made on the fourth day of December, 1863, as affirms in fact that part of the decree theretofore entered in the district court of the United States for the southern district of New York, which adjudges and condemns the above vessel Sarah Starr, her tackle, apparel, and furniture, as lawful prize of war.

This present appeal being against the condemnation of such vessel, her tackle, apparel, and furniture, and also from so much and such part of the said decree of this court as orders the stipulators, on the bonding at appraised value of the vessel, to fulfil their stipulation and pay amount of value
176 into the registry of this court.

Dated April 15, 1864.

Yours, &c.,

CHARLES EDWARDS,
Proctor for Claimant and Appellant, &c.

To KENNETH G. WHITE, Esq., *Cl'k of Court.*
E. DELAFIELD SMITH, *U. S. Dist. Att'y.*

Due service of a copy of within is admitted.
New York, April 15, 1864.

E. DELAFIELD SMITH, *U. S. Dist. Att'y.*

Filed April 15, 1864.

177 United States circuit court for the southern district of New York, second circuit, in prize.

THE UNITED STATES, respondent,
against
THE BRIG SARAH STARR, HER TACKLE, APPAREL, AND FURNITURE, &c., Cowlan Graveley, British subject and claimant thereof.

To the honorable the Supreme Court of the United States:

Cowlan Graveley, British subject and claimant of vessel, her tackle, apparel, and furniture, doth hereby appeal from so much and such part of the final sentence and decree of this court rendered on the fourth day of December, 1863, as affirms in fact that part of the final decree of the district court of New York which adjudged and condemned the above vessel Sarah Starr, her tackle, apparel, and furniture, as lawful prize of war, this present appeal being against the condemnation of such vessel, her tackle, apparel, and furniture; and also from so much and such part of the said decree of the said circuit court as orders the stipulators on the bonding of appraised value of the vessel to fulfil their stipulation and pay amount of value into the
178 registry of the said circuit court. And he prays that the said sentence and decree, with the proceedings in the premises, be certified and sent to the Supreme Court of the United States of America, next to be held at the city of Washington, there to be heard, proceeded in, and adjudged according to law and the course of the said court.

And this claimant doth bring into this court security, according to law, for the due prosecution of said appeal.

Dated Ap'l 15, 1864.

CHARLES EDWARDS,
Proctor for Claimant and Appellant.

To KENNETH G. WHITE, Esq., *Clerk of Court.*
E. DELAFIELD SMITH, Esq., *U. S. Dist. Attorney.*

179 Due service of a copy of the within is admitted.
N. Y., April 15, 1864.

E. DELAFIELD SMITH, *U. S. Dist. Att'y.*

Filed April 15, 1864.

180 By the Honorable Samuel R. Betts, one of the judges of the circuit court of the United States for the southern district of New York, in the second circuit, to E. Delafield Smith, esq., attorney of the United States for the southern district of New York, acting on behalf of the United States in the suit in prize of the United States of America, libellants and captors in interest, against the brig Sarah Starr, her tackle, apparel, and furniture and cargo.

Whereas Cowlam Gravely, British subject and claimant of said vessel, her tackle, apparel, and furniture, lately appealed to the Supreme Court of the United States, at the city of Washington, in the District of Columbia, from so much and such part of a decree rendered in the circuit court of the United States for the southern district of New York, made in favor of you, as affirms in fact that part of the final decree of the *of the* district court of the United States for the southern district of New York which adjudges and condemns the above vessel Sarah Starr, her tackle, apparel, and furniture, as lawful prize of war, the appeal being against the condemnation of such vessel, her tackle, apparel, and furniture, and also from such part of the said decree as orders the stipulations on the bonding at appraised value of the vessel to fulfill their stipulation and pay amount of value into the regis-
181 try of said circuit court, and has filed the security required by law:

You are therefore hereby cited to appear before the said Supreme Court, at the city of Washington, on the first Monday of December next, (1864,) to do and receive what may appertain to justice to be done in the premises.

Given under my hand at the city of New York, in the southern district of New York, the 15th day of April, in the year 1864, and of the independence of the United States the eighty-eighth.

SAM'L R. BETTS, *one of the Judges of the Circuit Court of the United States for the Second Circuit.*

182 Due service of a copy of the within admitted.
N. Y., Ap'l 15, 1864.

E. DELAFIELD SMITH, *U. S. Dist. Att'y.*

Filed April 15, 1864.

183 U. S. circuit court.

THE BRIG SARAH STARR, &c., appellants, *ads.*
THE UNITED STATES, respondents.

This case, so far as the cargo is concerned, having been finally adjudicated and disposed of, and money paid, &c., it is agreed that the record herein be made up without any reference to the papers relating to the cargo, but of those having reference to the vessel.

Dated N. Y., Nov. 22, 1864.

CHARLES EDWARDS, *Proctor for Appellant.*
E. DELAFIELD SMITH, *U. S. Dist. Att'y.*

184 UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, Kenneth G. White, clerk of the circuit court of the United States of America for the southern district of New York, in the second circuit, do hereby certify that the foregoing pages, numbered from fol. 1 to fol. 382, inclusive, contain a true and complete transcript of the record and proceedings had in said court, in the case of the United States, libl'nt and appellee, against the Sarah Starr, her tackle, &c., appellant, as the same remain of record and on file in said office.

In testimony whereof, I have caused the seal of the said court to be hereunto affixed, at the city of New York, in the southern district of New York, second circuit, this 22d day of Nov'r, in the year of our Lord, one thousand eight hundred and sixty-four, and of the independence of the said United States the eighty-ninth.

KENNETH G. WHITE, *Clerk.*

Filed 30th November, 1864.